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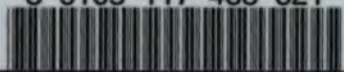
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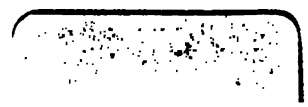
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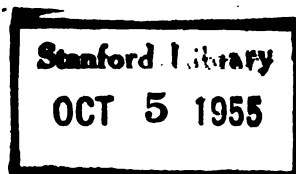
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TREATY OF ARBITRATION BETWEEN THE REPUBLIC OF THE UNITED STATES OF BRAZIL AND THE ARGENTINE REPUBLIC.

The Government of the Republic of the United States of Brazil and the Government of the Argentine Republic, desiring to establish upon firm, permanent bases the relations of ancient friendship and good neighborliness that happily exist between the two countries, have determined to celebrate a general Treaty of Arbitration, and, for this end, have nominated plenipotentiaries, to wit:

His Excellency Mr. Francisco de Paula Rodrigues Alves, President of the Republic of the United States of Brazil, Mr. José Maria da Silva Paranhos do Rio-Branco, Minister of State for Foreign Relations of the same Republic; and

His Excellency Mr. Manoel Quintana, President of the Argentine Republic, Mr. Manoel Gorostiaga, Envoy Extraordinary and Minister Plenipotentiary in Brazil;

Who, duly authorized, have agreed upon the following articles:

ARTICLE I.

The High Contracting Parties bind themselves to submit to arbitration the controversies that may arise between them and that they are unable to settle by direct negotiations or by any other way of deciding amicable international disputes, in so far as such controversies do not turn upon questions involving constitutional rules of the one or the other of the two countries.

ARTICLE II.

The consideration of past questions, that have been the object of definite agreements between the two parties, will not by virtue of this treaty, be reopened, it being possible to submit to arbitration only the questions regarding the interpretation and execution of the same.

ARTICLE III.

The High Contracting Parties will sign a special agreement for each case that occurs.

ARTICLE IV.

The points agreed upon will be fixed with due clearness by the High Contracting Parties, who should also determine the scope of the powers of the arbitrator or arbitrators and the procedure governing them.

ARTICLE V.

In the absence of special stipulations between the parties, it is the duty of the arbitrator or arbitrators to designate the time and the place of the sessions, outside of the territories of the Contracting States, selecting the language that must be used, determining the manner of presentation of the case, the formalities and periods of time to which the parties should adhere to, the procedure to follow, and, in general, take all the necessary steps to fulfill their duties and solve all the difficulties that may arise in the course of the discussion.

The two Governments bind themselves to place at the disposition of the arbitrator or arbitrators all the sources of information at their disposal.

ARTICLE VI.

The designation of the arbitrator or arbitrators will be made in the special agreement or in a separate instrument, after the nominee or nominees declare that they accept the mission.

ARTICLE VII.

If it is agreed that the question shall be submitted to an arbitral tribunal, each of the High Contracting Parties will nominate an arbitrator and they will try to agree upon a third, who will be, by right, president of the tribunal. In the case of disagreement over the election of a third, the two Governments will request the President of the Swiss Confederation to nominate the president of the tribunal.

ARTICLE VIII.

Each one of the parties may appoint one or more representatives to defend their cause before the arbitrator or arbitrators.

ARTICLE IX.

The arbitrator, or the arbitral tribunal, is competent to decide as to the validity of the agreement and the interpretation of the same. Consequently, it is also competent to decide the controversies between the parties as to whether certain questions that arise are or are not proper

material to be submitted to the arbitral jurisdiction according to the terms of the agreement.

The arbitral tribunal is competent to decide as to the regularity of its own formation.

ARTICLE X.

The arbitrator or the arbitral tribunal should decide according to the special rules that the two parties may have established, or *ex æquo et bono*, in accordance with the powers that may have been conferred upon them by the agreement.

ARTICLE XI.

The decisions of the tribunal will be taken in the presence of the three arbitrators and by unanimity or majority of votes.

The concordant votes of the two arbitrators first chosen will decide the question or questions submitted to the tribunal. If there is a difference between the two, the president, or third arbitrator, will adopt one of the votes or will give his own, which will decide the question.

In the absence of one of the arbitrators, the session will be postponed until his appearance or while he is absent for sufficient reason. If, however, after having been duly summoned, the absentee without just reason does not care to take part in the decisions or in other acts of the tribunal, the tribunal may continue with the two present, inserting upon the minutes that the absence of the other is voluntary and without justification.

ARTICLE XII.

The sentence must decide finally all the points in litigation, and will be made in duplicate, signed by the single arbitrator or by the three members of the arbitral tribunal. If any of these refuse to sign, the other two shall make mention of this in a special statement signed by them.

The decisions will or will not give the reasons therefor according to the provisions of each special agreement.

ARTICLE XIII.

The arbitrator or the arbitral tribunal must notify the representative of each of the two parties of the sentence.

ARTICLE XIV.

The sentence legally pronounced will decide, within the limits of its application, the litigation between the parties. It will indicate the time within which it must be executed.

ARTICLE XV.

Each one of the Contracting States binds itself to observe and carry out loyally the arbitral decision.

ARTICLE XVI.

The questions that arise regarding the execution of the sentence will be decided by arbitration and, whenever it may be possible, by the same arbitrator who gave it.

ARTICLE XVII.

If, before the execution of the sentence, either of the two parties interested have knowledge of the falsity or forgery of any document upon which the sentence was based, or can prove that this, in whole or in part, was caused by an error as to fact, he may appeal for a rehearing to same arbitral tribunal.

ARTICLE XVIII.

Each one of the parties will pay the expenses of its representation and half of the general expenses of the arbitration.

ARTICLE XIX.

After the approval by the legislative power of each one of the two Republics, this treaty will be ratified by the respective Governments and the ratifications will be exchanged in the city of Rio de Janeiro or in Buenos Aires in the shortest possible time.

ARTICLE XX.

The present treaty will be in force for ten years, counting from the day upon which the ratifications are exchanged. If it is not denounced six months before the end of this time, it will be continued for another period of ten years, and so on.

In faith whereof, we, the Plenipotentiaries above nominated, sign the present instrument in duplicate, one in the Portuguese and the other in the Castillian languages, and affix thereto our seals.

Done in the city of Rio de Janeiro, on the seventh day of the month of September, in the year nineteen hundred and five.

[L. s.] RIO-BRANCO.

[L. s.] MANOEL GOROSTIAGA.

DOCUMENTS CONCERNING THE CONGO.

DECLARATION BY THE INTERNATIONAL ASSOCIATION OF THE CONGO.

April 22, 1884.

The International Association of the Congo, hereby declares that by Treaties with the legitimate sovereigns in the basins of the Congo and of the Niadi-Kiahm and in adjacent territories upon the Atlantic, there has been ceded to it, territory for the use and benefit of free States established and being established under the care and supervision of the said Association in said basins and adjacent territories, to which cession the said free States of right succeed.

That the said International Association has adopted for itself and for the said Free States, as their standard, the flag of the International African Association, being a blue flag with a golden star in the center.

That the said Association and the said States have resolved to levy no Custom-House duties upon goods or articles of merchandise imported into their territories or brought by the route which has been constructed around the Congo cataracts; this they have done with a view of enabling commerce to penetrate into Equatorial Africa.

That they guarantee to foreigners settling in their territories the right to purchase, sell or lease, lands and buildings situated therein, to establish commercial houses and to there carry on trade upon the sole condition that they shall obey the laws. They pledge themselves, moreover, never to grant to the citizens of one nation any advantages without immediately extending the same to the citizens of all other nations, and to do all in their power to prevent the Slave trade.

In testimony whereof, Henry S. Sanford, duly empowered therefor, by the said Association, acting for itself and for the said Free States, has hereunto set his hand and affixed his seal, this 22d day of April, 1884, in the city of Washington.

[SEAL.]

H. S. SANFORD.

RECOGNITION OF THE FLAG OF THE KONGO FREE STATE BY THE UNITED STATES.

April 22, 1884.

Frederick T. Frelinghuysen, Secretary of State, duly empowered therefor by the President of the United States of America, and pursuant to the advice and consent of the Senate, heretofore given, acknowledges the

receipt of the foregoing notification from the International Association of the Kongo, and declares that, in harmony with the traditional policy of the United States, which enjoins a proper regard for the commercial interests of their citizens while, at the same time, avoiding interference with controversies between other powers as well as alliances with foreign nations, the Government of the United States announces its sympathy with, and approval of, the humane and benevolent purposes of the International Association of the Kongo, administering, as it does, the interests of the Free States there established, and will order the officers of the United States, both on land and sea, to recognize the flag of the International African Association, as the flag of a friendly Government.

In testimony whereof, he has hereunto set his hand and affixed his seal, this twenty-second day of April, A. D. 1884, in the city of Washington.

[SEAL.]

FREDK. T. FRELINGHUYSEN.

M. STRAUCH, PRESIDENT OF THE INTERNATIONAL ASSOCIATION OF THE CONGO, TO M. JULES FERRY, PRESIDENT OF THE COUNCIL, MINISTER OF FOREIGN AFFAIRS.

BRUSSELS, *April 23, 1884.*

MR. MINISTER: The International Association of the Congo, in the name of the stations and free lands which it has founded in the Congo and the valley of the Niadi-Quillou, formerly declares that it will not cede them to any power, under the reservation of special conventions which might intervene between France and the association to fix the limits and the conditions of their respective actions.

However, the association, desiring to give another proof of its friendly sentiment toward France, agrees to give to it the right of preference if, from unforeseen circumstances, the association should be led some day to alienate its possessions.

(S.) STRAUCH.

M. JULES FERRY, PRESIDENT OF THE COUNCIL, MINISTER OF FOREIGN AFFAIRS OF FRANCE, TO M. STRAUCH, PRESIDENT OF THE INTERNATIONAL ASSOCIATION OF THE CONGO.

PARIS, *April 24, 1884.*

SIR: I have the honor to acknowledge the receipt of your letter of the 23d instant, by which, in your position as president of the International Association of the Congo, you transmit to me assurances and

guaranties intended to strengthen our cordial and neighborly relations in the region of the Congo.

I note these declarations with great satisfaction, and in return I have the honor to inform you that the French Government undertakes to respect the stations and free territories of the association and not to place any obstacle in the way of the exercise of its rights.

(S.) JULES FERRY.

GENERAL ACT OF THE CONFERENCE OF BERLIN CONCERNING THE CONGO.

Signed at Berlin, February 26, 1885.

In the name of Almighty God:

The President of the United States of America, His Majesty the Emperor of Germany, King of Prussia, His Majesty the Emperor of Austria, King of Bohemia etc, and Apostolic King of Hungary, His Majesty the King of the Belgians, His Majesty the King of Denmark, His Majesty the King of Spain, the President of the French Republic, Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of the Indies, His Majesty the King of Italy, His Majesty the King of the Netherlands, Grand Duke of Luxembourg, His Majesty the King of Portugal and of the Algarves, etc. etc. etc. His Majesty the Emperor of all the Russias, His Majesty the King of Sweden and Norway etc. etc., and His Majesty the Emperor of the Ottomans,

Wishing to regulate in a spirit of good mutual understanding the conditions most favorable to the development of commerce and of civilization in certain regions of Africa, and to assure to all peoples the advantages of free navigation upon the two principal African rivers which empty into the Atlantic ocean; desirous on the other hand to prevent misunderstandings and contentions to which the taking of new possessions on the coast of Africa may in the future give rise, and at the same time preoccupied with the means of increasing the moral and material well being of the indigenous populations, have resolved, upon the invitation which has been addressed to them by the Imperial Government of Germany in accord with the Government of the French Republic, to assemble for this object a Conference at Berlin and have named for their Plenipotentiaries, as follows:

The President of the United States of America:

Mr. John A. Kasson, Envoy Extraordinary and Minister Plenipotentiary of the United States near His Majesty the Emperor of Germany, King of Prussia, and

Mr. Henry S. Sanford, formerly Minister;

His Majesty the Emperor of Germany, King of Prussia:

Othon, Prince de Bismarck, His President of the Council of Ministers of Prussia, Chancellor of the Empire,

Paul, Count de Hatzfeldt, His Minister of State and Secretary of State of the Department of Foreign Affairs,

August Busch, His Actual Privy Councillor of Legation and Under Secretary of State in the Department of Foreign Affairs, and

Henry de Kusserow, His Privy Councillor of Legation in the Department of Foreign Affairs;

His Majesty the Emperor of Austria, King of Bohemia etc. and Apostolic King of Hungary:

Emeric, Count Szechenyi, de Sarvari Felso-Videk, Chamberlain and Actual Privy Councillor, His Ambassador Extraordinary and Plenipotentiary near His Majesty the Emperor of Germany, King of Prussia;

His Majesty the King of the Belgians:

Gabriel, August, Count van der Straten Ponthoz, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the Emperor of Germany, King of Prussia, and

Auguste, Baron Lambermont, Minister of State, His Envoy Extraordinary and Minister Plenipotentiary;

His Majesty the King of Denmark:

Mr. Emile de Vind, Chamberlain, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the Emperor of Germany, King of Prussia;

His Majesty the King of Spain:

Don Francisco Merry y Colom, Count de Benomar, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the Emperor of Germany, King of Prussia;

The President of the French Republic:

Alphonse, Baron de Courcel, Ambassador Extraordinary and Plenipotentiary of France near His Majesty the Emperor of Germany, King of Prussia;

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of the Indies:

Sir Edward, Baldwin Malet, Her Ambassador Extraordinary and Plenipotentiary near His Majesty the Emperor of Germany, King of Prussia;

His Majesty the King of Italy:

Edward, Count de Launay, His Ambassador Extraordinary and Plenipotentiary near His Majesty the Emperor of Germany, King of Prussia;

His Majesty the King of the Netherlands, Grand Duke of Luxembourg etc:

Frederick, Philip, Jonkheer van der Hoeven, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the Emperor of Germany, King of Prussia;

His Majesty the King of Portugal and of the Algarves etc. etc. etc.:

da Serra Gomes, Marquis de Penafiel, Peer of the Kingdom, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the Emperor of Germany, King of Prussia, and

Mr. Antoine de Serpa Pimentel, Councillor of State and Peer of the Kingdom;

His Majesty the Emperor of all the Russias:

Pierre, Count Kapnist, Privy Councillor, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Netherlands;

His Majesty the King of Sweden and Norway etc. etc.:

Gillis, Baron Bildt, Lieutenant General, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the Emperor of Germany, King of Prussia;

His Majesty the Emperor of the Ottomans:

Mehemed Said Pacha, Vizier and High Dignitary, His Ambassador Extraordinary and Plenipotentiary near His Majesty the Emperor of Germany, King of Prussia;

Who, furnished with full powers which have been found in good and due form, have successively discussed and adopted:

1st. A Declaration relative to the liberty of commerce in the basin of the Congo, embouchures and neighboring countries, with certain dispositions connected therewith;

2nd. A Declaration concerning the slave trade and the operations which on land or sea furnish slaves for the trade;

3rd. A Declaration relative to the neutrality of the territory comprised in the conventional basin of the Congo;

4th. An Act of navigation of the Congo, which while taking note of local circumstances, extends to this river, to its affluents and to the waters which are assimilated to them, the general principles announced in Articles 108 to 116 of the final Act of the Congress of Vienna and designed to regulate between the Powers signatory to said Act, the free navigation of navigable water courses which separate or traverse several States, principles since then conventionally applied to certain rivers of Europe and of America, and notably to the Danube, with the modifications provided by the treaties of Paris of 1856, of Berlin of 1878, and of London of 1871 and of 1883;

5th. An Act of navigation of the Niger which, while equally taking note of local circumstances, extends to this river and to its affluents the same principles inscribed in Articles 108 to 116 of the final Act of the Congress of Vienna;

6th. A Declaration introducing into international relations certain uniform rules relative to the occupations which may take place in the future upon the coasts of the African Continent;

And having judged that these different documents might be usefully coördinated in a single instrument, have collected them into a general Act composed of the following articles.

CHAPTER I.

DECLARATION RELATIVE TO THE LIBERTY OF COMMERCE IN THE BASIN OF THE CONGO, ITS EMBOUCHURES AND NEIGHBORING COUNTRY, AND DISPOSITIONS CONNECTED THEREWITH.

ARTICLE 1.

The commerce of all nations shall enjoy complete liberty:

1st. In all the territories constituting the basin of the Congo and its affluents. This basin is defined by the crests of the contiguous basins, to wit: notably the basins of the Niari, of the Ogove, of the Schari and of the Nile, on the North; by the line of Eastern water shed of the affluents of lake Tanganyka on the East; by the crests of the basins of the Zambeze and of the Loge, on the South. It embraces, consequently, all the territories drained by the Congo and its affluents, including the lake Tanganyka and its Eastern tributaries.

2nd. In the maritime zone extending along the Atlantic ocean from the parallel of $2^{\circ} 30'$ Southern latitude to the mouth of the Loge.

The Northern boundary shall follow the parallel of $2^{\circ} 30'$ from the coast to the point where it strikes the geographical basin of the Congo, avoiding the basin of the Ogove to which the stipulations of the present Act do not apply.

The Southern boundary shall follow the course of the Loge up to the source of this river and shall be directed thence Eastward to the junction of the geographical basin of the Congo.

3rd. In the zone prolonged to the East of the Congo basin as it is above described, as far as the Indian ocean, from the fifth degree of North latitude to the mouth of the Zambeze on the South; from this point the line of demarcation shall follow the Zambeze to a point five miles above the confluence of the Shire and shall continue by the line of water shed separating the waters which flow towards the lake Nyassa from the waters tributary to the Zambeze to rejoin finally the line dividing the waters of the Zambeze and of the Congo.

It is expressly understood that in extending to this Eastern zone the principle of commercial liberty the Powers represented at the Conference only engage for themselves and that this principle shall apply to territories actually belonging to any independent and sovereign State only in so far as it shall give its consent thereto. The Powers agree to employ their good offices with the governments established upon the African littoral of the Indian ocean in order to obtain such consent and, in every case, to assure to the transit of all nations the most favorable conditions.

ARTICLE 2.

All flags, without distinction of nationality, shall have free access to all the littoral of the territories above enumerated, to the rivers which there empty into the sea, to all the waters of the Congo and its affluents including the lakes, to all the ports situated upon the borders of these waters, as well as to all the canals which may in the future be excavated with the object of connecting together the water courses or lakes comprised in the whole extent of the territories described in Article 1. They may undertake every kind of transport and exercise the coastwise navigation by sea and river as also small boat transportation upon the same footing as the allegiants.

ARTICLE 3.

Merchandise of every origin imported into these territories, under whatever flag it may be, by route of sea or river or land, shall have to discharge no other taxes than those which may be collected as an equitable compensation for expenses useful to commerce and which, under this head, must be equally borne by the allegiants and by strangers of every nationality.

All differential treatment is prohibited in respect to ships as well as merchandise.

ARTICLE 4.

Merchandise imported into these territories shall remain free from entrance and transit dues.

The Powers reserve to themselves to decide, at the end of a period of twenty years, whether freedom of entry shall or shall not be maintained.

ARTICLE 5.

Every Power which exercises or shall exercise rights of sovereignty in the territories under consideration shall not concede there either monopoly or privilege of any kind in commercial matters.

Strangers shall enjoy there without distinction, for the protection of their persons and their goods, the acquisition and transmission of their movable and immovable property and for the exercise of the professions, the same treatment and the same rights as the allegiants.

ARTICLE 6.

Depositions relative to the protection of the natives, of missionaries and of travelers, and also to religious liberty.

All Powers exercising rights of sovereignty or an influence in the Said territories engage themselves to watch over the conservation of the indigenous populations and the amelioration of their moral and material conditions of existence and to strive for the suppression of slavery and especially of the negro slave trade; they shall protect and favor without distinction of nationality or of worship, all the institutions and enterprises religious, scientific or charitable, created and organized for these objects or tending to instruct the natives and to make them understand and appreciate the advantages of civilization.

The christian missionaries, the savants, the explorers, their escorts, properties and collections shall be equally the object of special protection.

Liberty of conscience and religious toleration are expressly guaranteed to the natives as well as to allegiants and to strangers.

The free and public exercise of all forms of worship, the right to erect religious edifices and to organize missions belonging to all forms of worship shall not be subjected to any restriction or hindrance.

ARTICLE 7.

Postal regime.

The Convention of the universal postal Union revised at Paris June 1st. 1878 shall be applied to the conventional basis of the Congo.

The Powers who there exercise or shall exercise rights of sovereignty or of protectorate engage themselves to take, so soon as circumstances shall permit it, measures necessary for the execution of the preceding disposition.

ARTICLE 8.

Right of supervision attributed to the international commission of navigation of the Congo.

In all parts of the territory within the purview of the present Declaration where no Power may exercise rights of sovereignty or of protectorate, the International Commission of navigation of the Congo, instituted by virtue of Article 17, shall be charged to supervise the application of the principles proclaimed and established by this Declaration.

In all cases where difficulties relative to the application of the principles established by the present Declaration may happen to arise, the governments interested may agree to appeal to the good offices of the International Commission by deferring to it the examination of the facts which shall have given occasion to those difficulties.

CHAPTER II.

DECLARATION CONCERNING THE SLAVE TRADE.

ARTICLE 9.

Conformably to the principles of the law of nations, as they are recognized by the signatory Powers, the slave trade being interdicted, and as the operations which, by land or sea, furnish slaves to the trade ought to be equally considered as interdicted, the Powers who exercise or shall exercise rights of sovereignty or an influence in the territories forming

the conventional basin of the Congo declare that these territories shall not serve either for a market or way of transit for the trade in slaves of any race whatever. Each of these Powers engages itself to employ all the means in its power to put an end to this commerce and to punish those who are occupied in it.

CHAPTER III.

DECLARATION RELATIVE TO THE NEUTRALITY OF THE TERRITORIES COMPRISED IN THE CONVENTIONAL BASIN OF THE CONGO.

ARTICLE 10.

In order to give a new guarantee of security to commerce and to industry and to favor, by the maintenance of peace, the development of civilization in the countries mentioned in Article 1 and placed under the regime of commercial liberty, the high signatory parties of the present Act and those who shall subsequently adhere to it engage themselves to respect the neutrality of the territories or parts of territories depending on said countries, including therein the territorial waters, so long as the Powers who exercise or shall exercise rights of sovereignty or protectorate over these territories, making use of the option to proclaim themselves neutrals, shall fulfill the duties which belong to neutrality.

ARTICLE 11.

In the case where a Power exercising rights of sovereignty or of protectorate in the countries mentioned in Article 1 and placed under the regime of commercial liberty may be involved in a war, the high signatory parties of the Present Act and those who shall adhere to it subsequently engage themselves to lend their good offices to the end that the territories belonging to this Power and comprised in the conventional zone of commercial liberty may be, with the common consent of this Power and of the other party or parties belligerent, placed for the duration of the war under the regime of neutrality and considered as belonging to a non-belligerent State; the belligerent parties may renounce, thenceforth, the extension of hostilities to the territories thus neutralised, as also their use as a base for the operations of war.

ARTICLE 12.

In case a serious dissension, springing up on the subject or within the limits of the territories mentioned in Article 1 and placed under

the regime of commercial liberty should happen to arise between the signatory Powers of the present Act or the Powers which may subsequently adhere to it, these Powers engage themselves, before appealing to arms, to have recourse to the mediation of one or more friendly Powers.

In the same case the same powers reserve to themselves the optional recourse to the procedure of arbitration.

CHAPTER IV.

ACT OF NAVIGATION OF THE CONGO.

ARTICLE 13.

The navigation of the Congo, without exception of any of the branches or issues of this river, is and shall remain entirely free for merchant vessels, loaded or in ballast, of all nations, as well for the transport of merchandise as for that of travelers. It must conform itself to the dispositions of the present navigation Act and to the regulations to be established in the execution of the same Act.

In the exercise of this navigation the subjects and the flags of all the nations shall be treated, in all respects, upon the footing of a perfect equality, as well for the direct navigation from the open sea toward the interior ports of the Congo, and vice versa, as for the great and small coastwise navigation and also for the small-boat transportation throughout the extent of this river.

Consequently, throughout the extent and at the mouths of the Congo, no distinction shall be made between the subjects of riparian and non-riparian States, and no exclusive privilege of navigation shall be conceded, either to societies or corporations of any kind or to private persons.

These dispositions are recognized by the signatory powers as forming henceforth a part of public international law.

ARTICLE 14.

The navigation of the Congo cannot be subjected to any hindrance or charge which may not be expressly stipulated in the present Act. It shall not be burdened with any obligation of scaled voyages, ports of stoppage, of depot, of breaking bulk, or of compulsory interruption.

In all the extent of the Congo, ships and merchandise passing along the river shall not be subjected to any transit dues, whatever may be their origin or their destination.

There shall not be established any maritime or river transit tax based upon the simple fact of navigation, nor any dues upon the merchandise which is found on board the ships. Only taxes or dues can be collected which shall have the character of compensation for services rendered to navigation itself, namely:

1st. Port taxes for the actual use of certain local establishments such as quays, storehouses, etc. etc.

The tariff of these taxes shall be calculated upon the expenses of construction and maintenance of said local establishments, and its application shall be made without regard to the origin of ships or to their cargo.

2nd. Certain dues of pilotage upon the sections of the river where it may appear necessary to create stations of commissioned pilots.

The tariff of these dues shall be fixed and proportioned to the service rendered.

3rd. Certain dues designed to cover the technical and administrative expenses, made in the general interest of navigation, including therein dues for lighthouses, lights and buoys.

Dues of this last category shall be based upon the tonnage of vessels, as it appears from the papers on board, and conformably to the rules adopted upon the lower Danube.

The tariffs according to which the taxes and dues, enumerated in the three preceding paragraphs, shall be collected, shall carry with them no differential treatment and must be officially published in each port.

The Powers reserve to themselves to examine, at the end of a period of five years, whether there is occasion to revise, by common accord, the tariffs above mentioned.

ARTICLE 15.

The affluents of the Congo shall in all respects be submitted to the same regime as the river of which they are tributaries.

The same regime shall be applied to the rivers and streams as also to the lakes and canals of the territories defined by Article 1, paragraphs 2 and 3.

The attributions of the International Commission of the Congo however shall not extend over the said rivers, streams, lakes and canals, except with the assent of the States under the sovereignty of which they are placed. It is well understood also that for the territories mentioned in Article 1, paragraph 3, the consent of the sovereign States on which these territories depend, remain reserved.

ARTICLE 16.

The routes, railroads or lateral canals which may be established for the special object of supplementing the innavigability of imperfections of the river way over certain sections of the course of the Congo, of its affluents and of the other water courses which are assimilated to them by Article 15 shall be considered, in their quality of means of communication, as dependencies of this river and shall be equally open to the traffic of all nations.

In like manner as upon the river, upon these routes, railroads and canals transit taxes can only be collected which are calculated upon the expenses of construction, of maintenance and of administration, and upon the profits due to the constructors.

As to the rates of these transit taxes strangers and allegiants of the respective territories shall be treated upon the footing of perfect equality.

ARTICLE 17.

There is instituted an International Commission charged to assure the execution of the dispositions of the present navigation Act.

The signatory Powers of this Act, as well as those who shall adhere to it hereafter, can, at all times, have themselves represented in the said Commission, each by one delegate. No delegate can dispose of more than one vote even in the case where he may represent several governments.

This delegate shall be directly compensated by his government.

The pay and allowances of the agents and employés of the International Commission shall be charged upon the product of the dues collected conformably to Article 14, paragraphs 2 and 3.

The figures of the said pay and allowances as well as the number, the grade and the attributions of the agents and employés, shall be inscribed in the report which shall be addressed each year to the governments represented in the International Commission.

ARTICLE 18.

The members of the International Commission as well as the agents named by it, are invested with the privilege of inviolability in the exercise of their functions. The same guarantee shall extend to the offices, bureaux and archives of the Commission.

ARTICLE 19.

The International Commission of navigation of the Congo shall constitute itself so soon as five of the signatory Powers of the present general Act shall have named their delegates. While awaiting the constitution of the Commission, the nomination of the delegates shall be notified to the Government of the German Empire, by whose care the necessary steps shall be taken to provoke the assemblage of the Commission.

The Commission shall immediately elaborate regulations of navigation, of river police, of pilotage and of quarantine.

These regulations, as well as the tariffs to be established by the Commission, before being put in force, shall be submitted to the approbation of the Powers represented in the Commission. The Powers interested shall make known their opinion with the least delay possible.

Infractions of these regulations shall be repressed by the agents of the International Commission, where it shall exercise direct its authority, and elsewhere by the riparian Power.

In case of an abuse of power or of an injustice on the part of an agent or employé of the International Commission, the individual who shall regard himself as injured in his person or in his rights may address himself to the consular agent of his nation. The latter shall examine the complaint; if he finds it *prima facie* reasonable, he shall have the right to present it to the Commission. Upon his initiative, the Commission represented by at least three of its members, shall join itself to him to make an investigation touching the conduct of its agent or employé. If the consular agent considers the decision of the Commission as giving rise to objections of right, he shall make a report of it to his government which may have recourse to the Powers represented in the Commission and invite them to come to agreement upon the instructions to be given to the Commission.

ARTICLE 20.

The International Commission of the Congo, charged by the terms of Article 17 to assure the execution of the present Act of navigation shall have notably in its attributions:

1. The designation of the works proper to assure the navigability of the Congo according to the needs of international commerce.

Upon the sections of the river where no Power shall exercise the rights of sovereignty, the International Commission shall itself take the necessary measures to assure the navigability of the river.

Upon the sections of the river occupied by a sovereign Power, the International Commission shall come to an understanding with the riparian authority.

2. The settlement of the tariff of pilotage and that of the general tariff of navigation dues, provided in the 2nd. and 3rd. paragraphs of Article 14.

The tariff mentioned in the 1st. paragraph of Article 14 shall be settled by the territorial authority, within the limits provided in said Article.

The collection of these different duties shall be made by the care of the International or territorial authority for the account of which they are established.

3. The administration of the revenues proceeding from the application of the above paragraph 2.

4. The supervision of the quarantine establishment established in virtue of Article 24.

5. The nomination of the agents belonging to the general service of navigation and that of its own employés.

The institution of sub-inspectors shall belong to the territorial authority upon the sections occupied by a Power, and to the International Commission upon the other sections of the river.

The riparian Power shall notify to the International Commission the nomination of sub-inspectors whom it shall have instituted, and this Power shall charge itself with their pay.

In the exercise of these attributions as they are above defined and limited, the International Commission shall not depend upon the territorial authority.

ARTICLE 21.

In the accomplishment of its task, the International Commission may have recourse, at need, to the war vessels of the signatory Powers of this Act and of those who shall accede to it in the future, subject to every reserve of the instructions which may be given to the commandants of these vessels by their respective governments.

ARTICLE 22.

The vessels of war of the signatory Powers of the present Act which enter the Congo are exempt from the payment of the navigation dues

provided in paragraph 3 of Article 14; but they shall pay the eventual pilot dues as well as port dues, unless their intervention may have been called for by the International Commission or its agents according to the terms of the preceding Article.

ARTICLE 23.

For the object of providing for the technical and administrative expenses with which they are charged, the International Commission instituted by Article 17 may negotiate in its own name loans exclusively based upon the revenues attributed to the said Commission.

The decisions of the Commission tending to the conclusion of a loan must be taken by a majority vote of two-thirds. It is understood that the governments represented in the Commission cannot, in any case, be considered as assuming any guarantee or contracting any engagement or responsibility in respect to said loans, unless by special conventions concluded by them to this effect.

The product of the dues specified in the 3rd. paragraph of Article 14 shall be by priority assigned to the service of the interest and to the extinguishment of said loans, according to the agreements entered into with the lenders.

ARTICLE 24.

At the embouchures of the Congo, there shall be founded, either by the initiative of the riparian Powers, or by the intervention of the International Commission, a quarantine establishment which shall exercise control over vessels as well on arrival as on departure.

It shall be decided later, by the Powers, whether and under what conditions a sanitary control shall be exercised over vessels in the course of the navigation of the river.

ARTICLE 25.

The dispositions of the present Act of navigation shall remain in force in time of war. Consequently, the navigation of all nations, neutral or belligerent, shall be free, at all times, for the uses of commerce upon the Congo, its branches, its affluents and its mouths, as also upon the territorial sea opposite the mouths of this river.

Trade shall remain equally free, notwithstanding the state of war, upon the routes, railroads, lakes and canals mentioned in Articles 15 and 16.

There shall be no exception to this principle except in what relates to the transport of objects destined to a belligerent and considered, by virtue of the law of nations, as articles contraband of war.

All the works and establishments created in execution of the present Act, notably the bureaus of collection and their coffers, likewise the personnel attached in a permanent manner to the service of these establishments, shall be placed under the regime of neutrality and, under this head, shall be respected and protected by the belligerents.

CHAPTER V.

ACT OF NAVIGATION OF THE NIGER.

ARTICLE 26.

The navigation of the Niger, without exception of any of the branches or issues of this river, is and shall remain entirely free for the merchant ships, laden or in ballast, of all nations, as well for the transport of merchandise as for that of travelers. It must conform to the dispositions of the present navigation Act and to the regulations to be established in execution of the same Act.

In the exercise of this navigation, the subjects and the flags of all nations, shall be treated, in all respects, upon the footing of a perfect equality, as well for the direct navigation from the open sea toward the interior ports of the Niger, and vice versa, as for the great and small coastwise navigation, and also for the small boat transportation throughout the extent of this river.

Consequently, upon all the extent and at the mouths of the Niger, there shall be no distinction made between the subjects of the riparian and non-riparian States, and no exclusive privilege of navigation shall be conceded, either to societies or corporations of any kind, or to private persons.

These dispositions are recognized by the signatory Powers as forming henceforth part of international public law.

ARTICLE 27.

The navigation of the Niger cannot be subjected to any hindrance or charge based solely upon the fact of navigation.

It shall not be subjected to any obligation of scaled voyages, ports of stoppage, of depot, of breaking bulk, or compulsory interruption.

Upon all the extent of the Niger, vessels and merchandise passing upon the river shall not be subjected to any transit dues, whatever may be their origin or their destination.

There shall not be established any maritime or river transit tax, based upon the simple fact of navigation, nor any duty upon the merchandise which is found on board the vessels. There can be collected only the tax or duty which shall have the character of compensation for service rendered to navigation itself. The tariffs of these taxes or duties shall carry with them no differential treatment.

ARTICLE 28.

The affluents of the Niger shall be in all respects submitted to the same regime as the river of which they are tributaries.

ARTICLE 29.

The routes, railroads or lateral canals which may be established with the special object of supplementing the innavigability or imperfections of the river way upon certain sections of the course of the Niger, of its affluents, branches and issues shall be considered, in their quality of means of communication, as dependencies of this river and shall be equally open to the traffic of all nations.

In like manner as upon the river, there shall be collected upon these routes, railroads and canals, only transit taxes calculated upon the expenses of construction, of maintenance and of administration, and upon the profits due to the constructors.

As to the rates of these transit taxes, strangers and allegiants of the respective territories shall be treated upon the footing of perfect equality.

ARTICLE 30.

Great Britain engages itself to apply the principles of the liberty of navigation announced in Articles 26, 27, 28, 29, in so far as the waters of the Niger, of its affluents, branches and issues, are or shall be under its sovereignty or protectorate.

The regulations which it shall establish for the safety and control of navigation shall be conceived in a manner to facilitate so far as possible the circulation of merchant vessels.

It is understood that nothing in the engagements thus taken can be interpreted as preventing or able to prevent Great Britain from making such regulations of navigation whatever they may be, as may not be contrary to the spirit of these engagements.

Great Britain engages itself to protect the foreign traders of all nations carrying on commerce in the portions of the course of the Niger which are or shall be under its sovereignty or protectorate, as if they were its own subjects, provided always that these traders conform to the regulations which are or shall be established in virtue of what precedes.

ARTICLE 31.

France accepts under the same reserve and in identical terms the obligations established in the preceding Article, in so far as the waters of the Niger, of its affluents, branches and issues are or shall be under its sovereignty or its protectorate.

ARTICLE 32.

Each of the other signatory Powers engages itself likewise, in case it should exercise in the future rights of sovereignty or protectorate upon any part of the waters of the Niger, of its affluents, branches and issues.

ARTICLE 33.

The dispositions of the present Act of navigation shall remain in force in time of war. Consequently, the navigation of all nations, neutral or belligerent, shall be free at all times for the uses of commerce upon the Niger, its branches and affluents, its embouchures and issues, as also upon the territorial sea opposite to the embouchures and issues of this river.

Trade shall remain equally free, notwithstanding the state of war, upon the routes, railroads and canals mentioned in Article 29.

There shall be no exception to this principle except in what concerns the transport of objects destined to a belligerent and considered, by virtue of the law of nations, as articles contraband of war.

CHAPTER VI.

DECLARATION RELATIVE TO THE CONDITIONS ESSENTIAL TO BE FULFILLED
IN ORDER THAT NEW OCCUPATIONS UPON THE COASTS OF THE AFRICAN
CONTINENT MAY BE CONSIDERED AS EFFECTIVE.

ARTICLE 34.

The Power which henceforth shall take possession of a territory upon the coast of the African continent situated outside of its present possessions, or which, not having had such possessions hitherto, shall come to acquire them, and likewise, the Power which shall assume a protectorate there, shall accompany the respective act with a notification addressed to the other signatory Powers of the present Act, in order to put them in a condition to make available, if there be occasion for it, their reclamations.

ARTICLE 35.

The signatory Powers of the present Act recognize the obligation to assure, in the territories occupied by them, upon the coasts of the African Continent, the existence of an authority sufficient to cause acquired rights to be respected and, the case occurring, the liberty of commerce and of transit in the conditions upon which it may be stipulated.

CHAPTER VII.

GENERAL DISPOSITIONS.

ARTICLE 36.

The signatory Powers of the present general Act reserve to themselves to introduce into it later and by common accord the modifications or ameliorations the utility of which may be demonstrated by experience.

ARTICLE 37.

The Powers who shall not have signed the present general Act may adhere to its dispositions by a separate Act.

The adhesion of each Power is notified, in a diplomatic way, to the Government of the German Empire, and by the latter to all the signatory or adhering States.

It carries by full right the acceptance of all the obligations and admission to all the advantages stipulated by the present general Act.

ARTICLE 38.

The present general Act shall be ratified within a delay which shall be the shortest possible and which, in any case, shall not exceed one year.

It shall enter into force for each Power to begin from the date when it shall have ratified it.

Meanwhile the signatory Powers of the present general Act bind themselves to adopt no measure which may be contrary to the dispositions of the said Act.

Each power shall address its ratification to the Government of the German Empire, by whose care notice shall be given to all the other signatory Powers of the present general Act.

The ratifications of all the Powers shall remain deposited in the archives of the Government of the German Empire. When all the ratifications shall have been produced, there shall be drawn up an act of deposit in a protocol which shall be signed by the representatives of all the Powers having taken part in the Conference of Berlin and of which a certified copy shall be addressed to all these Powers.

In faith of which, the respective Plenipotentiaries have signed the present general Act and have affixed thereto their seal.

Done at Berlin, the 26th day of the month of February one thousand eight hundred eighty five.

[L. s.]	JOHN A. KASSON.
[L. s.]	H. S. SANFORD.
[L. s.]	V. BISMARCK.
[L. s.]	BUSCH.
[L. s.]	V. KUSSEROW.
[L. s.]	SZECHENYI.
[L. s.]	Cte AUG te van der STRATEN PONT HOZ.
[L. s.]	Bn LAMBERMONT.
[L. s.]	E. VIND.
[L. s.]	Comte de BENOMAR.
[L. s.]	ALPH. de COURCEL.
[L. s.]	EDWARD B. MALET.
[L. s.]	LAUNAY.
[L. s.]	F. P. van der HOEVEN.
[L. s.]	MARQUIS de PENAFIEL.
[L. s.]	A. de SERPA PIMENTEL.
[L. s.]	Cte P. KAPNIST.
[L. s.]	GILLIS BILDT.
[L. s.]	SAÏD.

DECLARATION OF NEUTRALITY OF THE CONGO FREE STATE.¹*August 1, 1885.*

The undersigned, administrator-general of the Department of Foreign Affairs of the Congo Free State, is directed by the Sovereign King of this State to inform His Excellency Minister of Foreign Affairs of, that in accordance with article 10 of the General Act of the Conference of Berlin, the Congo Free State declares itself, by these presents, to be perpetually neutral, and that it claims the advantages guaranteed by Chapter III of the same act, at the same time that it assumes the duties which accompany neutrality. The regulation of neutrality will apply to the territory of the Congo Free State enclosed in the limits resulting from the treaties successively concluded by the International Association of the Congo with Germany, France and Portugal, treaties notified to the Conference of Berlin and annexed to these protocols, and which are thus determined, to wit:

[Here follow the boundaries.]

(S.) EDM. VAN EETVELDE.

THE KING'S TESTAMENT.

August 2, 1889.

We, Leopold II, King of the Belgians, Sovereign of the Congo Free State:

Wishing to assure to our beloved country the fruits of the work which for many years we have carried on in the continent of Africa, with the generous and devoted assistance of many Belgians;

¹ *Declaration of neutrality of the Congo Free State, December 28, 1894.*

The regulation of neutrality, which formed the subject of the declaration notified August 1, 1885, to the signatory powers of the General Act of the Conference of Berlin, will apply henceforth to the territory of the State bounded as follows, in consequence of the Protocol of April 29, 1887 (*Bull. off.*, 1888, p. 242), and of the Arrangement of August 13, 1894 (*Bull. off.*, 1894, p. 250), concluded with the French Republic; the conventions concluded May 25, 1891 (*Bull. off.*, 1891, pp. 213 and 217), and the declarations signed March 24, 1894 (*Bull. off.*, 1894, pp. 22 and 29), with the Government of His Very Faithful Majesty, and the Arrangement concluded May 12, 1894 (*Bull. off.*, 1894, p. 245) with the British Government:

[Here follow the boundaries.]

BRUSSELS, *December 28, 1894.*

Convinced that we shall thus contribute in assuring to Belgium, if it desires it, the indispensable outlets for its commerce and industry, and in opening up new paths for the activity of its citizens;

We declare, by these presents, that we bequeath and transmit, after our death, to Belgium, all our sovereign rights over the Congo Free State, such as have been recognized by declarations, conventions and treaties concluded since 1884, between foreign powers, on the one hand, and the International Association of the Congo and Congo Free State, on the other, as well as all property, rights and advantages attached to this sovereignty.

Until the Belgian Legislature shall have acted upon the acceptance of my aforesaid provisions, the sovereignty shall be exercised collectively by the council of the three administrators of the Congo Free State and by the governor-general.

Done at Brussels, August 2, 1889.

(Signed) LEOPOLD.

LETTER OF THE KING TO M. BEERNAERT.

August 5, 1889.

DEAR MINISTER: I have never ceased to call the attention of my countrymen to the necessity of turning their attention to countries across the seas.

History teaches that countries with restricted territory have a moral and material interest in spreading out beyond their narrow frontiers. Greece founded wealthy cities, homes of art and civilization, upon the shores of the Mediterranean. Venice, later, based its greatness upon the development of its maritime and commercial relations, no less than upon its political successes. The Netherlands possesses in the Indies thirty million subjects, who exchange for tropical productions the commodities of the mother country.

It is in serving the cause of humanity and progress that peoples of the second class appear useful members of the great family of nations. More than any other, a manufacturing and commercial nation like ours should endeavor to assure outlets for all its workmen — thinkers, capitalists, and laborers.

These patriotic considerations have dominated my life. They decided the creation of the African work.

My labors have not been in vain. A young and vast state, managed from Brussels, has peacefully taken its place in the sunlight, thanks to the kindly support of the powers which have welcomed its appearance. Belgians administer it, while others of our countrymen, each day more numerous, are already investing their capital there.

The immense network of rivers of the upper Congo opens to our energies rapid and economical means of communication, which allow of penetrating directly to the center of the African continent. The construction of the railroad from the region of the cataracts, now assured — thanks to the recent vote of the Legislature — will remarkably increase the ease of access. Under these conditions, a great future is reserved for the Congo, whose immense value will soon burst upon the sight of all.

On the morrow of this great act, I have thought it my duty to put Belgium in a position, so that when death shall overtake me, it will profit by my work as well as by the labors of those who have aided me in its foundation and management, and whom I thank again. I have made, as sovereign of the Independent State of the Congo, the testament which I address to you; I shall ask you to communicate it to the Legislative Chambers at what seems to us the most opportune moment.

The beginnings of enterprises like those with which I have occupied myself are difficult and burdensome. I have had to support the expenses of it. A king, in order to serve his country, should not fear to conceive and carry out a work, even if it appear rash. The wealth of a sovereign consists in public prosperity: that alone may form in his eyes an enviable treasure which he ought constantly to attempt to increase.

Until the day of my death I shall continue to be guided by the same thought of national interest as heretofore, to direct and maintain our African work; but if, without waiting until that time, the country should desire to contract closer relations with my possessions in the Congo, I would not hesitate to put them at its disposal. I should be happy to see it in full enjoyment thereof during my lifetime. Let me, in the meantime, tell you how grateful I am to the Chambers, as well as to the Government, for the aid which they have lent me at different times in this enterprise. I do not believe I am mistaken in asserting that Belgium will derive substantial advantages from it, and will see opened before it on a new continent wide and happy prospects.

Believe me, dear Minister,

Your very devoted and affectionate,

(Signed) LEOPOLD.

GENERAL ACT BETWEEN THE UNITED STATES OF AMERICA AND OTHER
POWERS FOR THE REPRESSION OF THE AFRICAN SLAVE TRADE AND THE
RESTRICTION OF THE IMPORTATION INTO, AND SALE IN, A CERTAIN
DEFINED ZONE OF THE AFRICAN CONTINENT, OF FIREARMS, AMMUNI-
TION AND SPIRITUOUS LIQUORS.

Signed July 2, 1890.

[Translation.]

In the name of God Almighty.

The President of the United States of America;

His Majesty the German Emperor, King of Prussia, in the name of
the German Empire;

His Majesty the Emperor of Austria, King of Bohemia, &c., and
Apostolic King of Hungary;

His Majesty the King of the Belgians;

His Majesty the King of Denmark;

His Majesty the King of Spain, and in his name Her Majesty the
Queen Regent of the Kingdom;

His Majesty the Sovereign of the Independent State of the Congo;

The President of the French Republic;

Her Majesty the Queen of the United Kingdom of Great Britain and
Ireland, Empress of India;

His Majesty the King of Italy;

His Majesty the King of the Netherlands, Grand Duke of Luxem-
burg;

His Majesty the Shah of Persia;

His Majesty the King of Portugal and the Algarves, &c.;

His Majesty the Emperor of all the Russias;

His Majesty the King of Sweden and Norway, &c.;

His Majesty the Emperor of the Ottomans; and

His Highness the Sultan of Zanzibar;

Being equally actuated by the firm intention of putting an end to the
crimes and devastations engendered by the traffic in African slaves, of
efficiently protecting the aboriginal population of Africa, and of securing
for that vast continent the benefits of peace and civilization;

Wishing to give fresh sanction to the decisions already adopted in the
same sense and at different times by the powers, to complete the results
secured by them, and to draw up a body of measures guaranteeing the

accomplishment of the work which is the object of their common solicitude;

Have resolved, in pursuance of the invitation addressed to them by the Government of His Majesty the King of the Belgians, in agreement with the Government of Her Majesty the Queen of Great Britain and Ireland, Empress of India, to convene for this purpose a conference at Brussels, and have named as their plenipotentiaries:

The President of the United States of America,

Mr. Edwin H. Terrell, Envoy Extraordinary and Minister Plenipotentiary of the United States of America near His Majesty the King of the Belgians, and

Mr. Henry Shelton Sanford;

His Majesty the Emperor of Germany, King of Prussia, in the Name of the German Empire,

Frederic John, Count of Alvensleben, His Chamberlain and Actual Privy Councillor, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians, and

Mr. William Goehring, His Privy Councillor of Legation, Consul-General of the German Empire at Amsterdam;

His Majesty the Emperor of Austria, King of Bohemia and Apostolic King of Hungary,

Rodolphe Count Khevenhüller-Metsch, His Chamberlain, His Envoy Extraordinary and Minister Plenipotentiary near his Majesty the King of the Belgians,

His Majesty the King of the Belgians,

Auguste Baron Lambermont, His Minister of State, His Envoy Extraordinary and Minister Plenipotentiary, and

M. Emile Banning, Director General in the Department of Foreign Affairs of Belgium;

His Majesty the King of Denmark,

Mr. Frederic-George Schack de Brockdorff, Consul-General of Denmark at Antwerp;

His Majesty the King of Spain, and in His Name Her Majesty the Queen Regent of the Kingdom,

Don José Gutierrez de Agüera, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians;

His Majesty the Sovereign-King of the Independent State of the Congo,

Mr. Edmund Van Eetvelde, Administrator-General of the Department of Foreign Affairs of the Independent State of the Congo and

Mr. Auguste Van Maldeghem, Councillor in the Belgian Court of Cassation;

The President of the French Republic,

M. Albert Bourée, Envoy Extraordinary and Minister Plenipotentiary of the French Republic near His Majesty the King of the Belgians, and

M. George Cogordan, Minister Plenipotentiary, Director of the Office of the Minister of Foreign Affairs of France;

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India,

Lord Vivian, Peer of the United Kingdom, Her Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians, and

Sir John Kirk;

His Majesty the King of Italy,

Francis de Renzis, Baron of Montanaro, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians, and

Mr. Thomas Catalani, His Envoy Extraordinary and Minister Plenipotentiary;

His Majesty the King of the Netherlands, Grand Duke of Luxemburg,

Louis Baron Gericke de Herwynen, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians;

His Imperial Majesty the Shah of Persia,

General Nazare Aga, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians;

His Majesty the King of Portugal and of the Algarves,

Mr. Henrique de Macedo Pereira Coutinho, Member of His Council, Peer of the Kingdom, Minister and Honorary Secretary of State, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians;

His Majesty the Emperor of all the Russias,

Leon Prince Ouroussoff, Master of His Court, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians, and

Mr. Frederic de Martens, His Actual Councillor of State, Permanent Member of the Council of Foreign Affairs of Russia;

His Majesty the King of Sweden and Norway.

Mr. Charles de Burenstam, His Chamberlain, His Minister Plenipotentiary near His Majesty the King of the Belgians and near His Majesty the King of the Netherlands;

His Majesty the Emperor of the Ottomans.

Etienne Carathéodory Efendi, High Dignitary of His Empire, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians;

His Highness the Sultan of Zanzibar.

Sir John Kirk, and
Mr. William Goehring:

Who, being furnished with full powers, which have been found to be in good and due form, have adopted the following provisions:

CHAPTER I. *Slave-trade countries. — Measures to be taken in the places of origin.*

ARTICLE I.

The powers declare that the most effective means of counteracting the slave-trade in the interior of Africa are the following:

1. Progressive organization of the administrative, judicial, religious, and military services in the African territories placed under the sovereignty or protectorate of civilized nations.

2. The gradual establishment in the interior, by the powers to which the territories are subject, of strongly occupied stations, in such a way as to make their protective or repressive action effectively felt in the territories devastated by slave-hunting.

3. The construction of roads, and in particular of railways, connecting the advanced stations with the coast, and permitting easy access to the inland waters, and to such of the upper courses of the rivers and streams as are broken by rapids and cataracts, with a view to substituting economical and rapid means of transportation for the present system of carriage by men.

4. Establishment of steam-boats on the inland navigable waters and on the lakes, supported by fortified posts established on the banks.

5. Establishment of telegraphic lines, insuring the communication of the posts and stations with the coast and with the administrative centres.

6. Organization of expeditions and flying columns, to keep up the communication of the stations with each other and with the coast, to support repressive action, and to insure the security of high roads.

7. Restriction of the importation of fire-arms, at least of those of modern pattern, and of ammunition throughout the entire extent of the territory in which the slave-trade is carried on.

ARTICLE II.

The stations, the inland cruisers organized by each power in its waters, and the posts which serve as ports of register for them shall, independently of their principal task, which is to prevent the capture of slaves and intercept the routes of the slave trade, have the following subsidiary duties:

1. To support and, if necessary, to serve as a refuge for the native population, whether placed under the sovereignty or the protectorate of the State to which the station is subject, or independent, and temporarily for all other natives in case of imminent danger; to place the population of the first of these categories in a position to co-operate for their own defense; to diminish intestine wars between tribes by means of arbitration; to initiate them in agricultural labor and in the industrial arts so as to increase their welfare; to raise them to civilization and bring about the extinction of barbarous customs, such as cannibalism, and human sacrifices.

2. To give aid and protection to commercial enterprises; to watch over their legality by especially controlling contracts for service with natives, and to prepare the way for the foundation of permanent centres of cultivation and of commercial settlements.

3. To protect, without distinction of creed, the missions which are already or that may hereafter be established.

4. To provide for the sanitary service and to extend hospitality and help to explorers and to all who take part in Africa in the work of repressing the slave-trade.

ARTICLE III.

The powers exercising a sovereignty or a protectorate in Africa confirm and give precision to their former declarations, and engage to pro-

ceed gradually, as circumstances may permit, either by the means above indicated or by any other means that they may consider suitable, with the repression of the slave-trade, each State in its respective possessions and under its own direction. Whenever they consider it possible, they shall lend their good offices to such powers as, with a purely humanitarian object, may be engaged in Africa in the fulfillment of a similar mission.

ARTICLE IV.

The States exercising sovereign powers or protectorates in Africa may in all cases delegate to companies provided with charters all or a portion of the engagements which they assume in virtue of Article III. They remain, nevertheless, directly responsible for the engagements which they contract by the present act, and guarantee the execution thereof. The powers promise to encourage, aid and protect such national associations and enterprises due to private initiative as may wish to co-operate in their possessions in the repression of the slave-trade, subject to their receiving previous authorization, such authorization being revocable at any time, subject also to their being directed and controlled, and to the exclusion of the exercise of rights of sovereignty.

ARTICLE V.

The contracting powers pledge themselves, unless this has already been provided for by laws in accordance with the spirit of the present article, to enact or propose to their respective legislative bodies, in the course of one year at the latest from the date of the signing of the present general act, a law rendering applicable, on the one hand, the provisions of their penal laws concerning grave offenses against the person, to the organizers and abettors of slave-hunting, to those guilty of mutilating male adults and children, and to all persons taking part in the capture of slaves by violence; and, on the other hand, the provisions relating to offenses against individual liberty, to carriers and transporters of, and to dealers in, slaves.

The accessories and accomplices of the different categories of slave captors and dealers above specified shall be punished with penalties proportionate to those incurred by the principals.

Guilty persons who may have escaped from the jurisdiction of the authorities of the country where the crimes or offenses have been committed shall be arrested either on communication of the incriminating evidence by the authorities who have ascertained the violation of the

law, or on production of any other proof of guilt by the power in whose territory they may have been discovered, and shall be kept, without other formality, at the disposal of the tribunals competent to try them.

The powers shall communicate to one another, with the least possible delay, the laws or decrees existing or promulgated in execution of the present Article.

ARTICLE VI.

Slaves liberated in consequence of the stoppage or dispersion of a convoy in the interior of the continent, shall be sent back, if circumstances permit, to their country of origin; if not, the local authorities shall facilitate, as much as possible, their means of living, and if they desire it, help them to settle on the spot.

ARTICLE VII.

Any fugitive slave claiming, on the continent, the protection of the signatory powers, shall receive it, and shall be received in the camps and stations officially established by said powers, or on board of the vessels of the State plying on the lakes and rivers. Private stations and boats are only permitted to exercise the right of asylum subject to the previous consent of the State.

ARTICLE VIII.

The experience of all nations that have intercourse with Africa having shown the pernicious and preponderating part played by fire-arms in operations connected with the slave-trade as well as internal wars between the native tribes; and this same experience having clearly proved that the preservation of the African population whose existence it is the express wish of the powers to protect, is a radical impossibility, if measures restricting the trade in fire-arms and ammunition are not adopted, the powers decide, so far as the present state of their frontiers permits, that the importation of fire-arms, and especially of rifles and improved weapons, as well as of powder, ball and cartridges, is, except in the cases and under the conditions provided for in the following Article, prohibited in the territories comprised between the 20th parallel of North latitude and the 22d parallel of South latitude, and extending westward to the Atlantic Ocean and eastward to the Indian Ocean and its dependencies, including the islands adjacent to the coast within 100 nautical miles from the shore.

ARTICLE IX.

The introduction of fire-arms and ammunition, when there shall be occasion to authorize it in the possessions of the signatory powers that exercise rights of sovereignty or of protectorate in Africa, shall be regulated, unless identical or stricter regulations have already been enforced, in the following manner in the zone defined in Article VIII:

All imported fire-arms shall be deposited, at the cost, risk and peril of the importers, in a public warehouse under the supervision of the State government. No withdrawal of fire-arms or imported ammunition shall take place from such warehouses without the previous authorization of the said government. This authorization shall, except in the cases hereinafter specified, be refused for the withdrawal of all arms for accurate firing, such as rifles, magazine guns, or breech loaders, whether whole or in detached pieces, their cartridges, caps, or other ammunition intended for them.

In seaports, and under conditions affording the needful guarantees, the respective governments may permit private warehouses, but only for ordinary powder and for flint-lock muskets, and to the exclusion of improved arms and ammunition therefor.

Independently of the measures directly taken by governments for the arming of the public force and the organization of their defence, individual exceptions may be allowed in the case of persons furnishing sufficient guarantees that the weapon and ammunition delivered to them shall not be given, assigned or sold to third parties, and for travelers provided with a declaration of their government stating that the weapon and ammunition are intended for their personal defence exclusively.

All arms, in the cases provided for in the preceding paragraph, shall be registered and marked by the supervising authorities, who shall deliver to the persons in question permits to bear arms, stating the name of the bearer and showing the stamp with which the weapon is marked. These permits shall be revocable in case proof is furnished that they have been improperly used, and shall be issued for five years only, but may be renewed.

The above rule as to warehousing shall also apply to gunpowder.

Only flint-lock guns, with unrifled barrels, and common gunpowder known as trade powder, may be withdrawn from the warehouses for sale. At each withdrawal of arms and ammunition of this kind for sale, the local authorities shall determine the regions in which such arms and ammunition may be sold. The regions in which the slave-trade is

carried on shall always be excluded. Persons authorized to take arms or powder out of the public warehouses, shall present to the State government, every six months, detailed lists indicating the destinations of the arms and powder sold, as well as the quantities still remaining in the warehouses.

ARTICLE X.

The Governments shall take all such measures as they may deem necessary to insure as complete a fulfilment as possible of the provisions respecting the importation, sale and transportation of fire-arms and ammunition, as well as to prevent either the entry or exit thereof via their inland frontiers, or the passage thereof to regions where the slave-trade is rife.

The authorization of transit within the limits of the zone specified in Article VIII shall not be withheld when the arms and ammunition are to pass across the territory of the signatory or adherent power occupying the coast, towards inland territories under the sovereignty or protectorate of another signatory or adherent power, unless this latter power have direct access to the sea through its own territory. If this access be wholly interrupted, the authorization of transit can not be withheld. Any application for transit must be accompanied by a declaration emanating from the government of the power having the inland possessions, and certifying that the said arms and ammunition are not intended for sale, but are for the use of the authorities of such power, or of the military forces necessary for the protection of the missionary or commercial stations, or of persons mentioned by name in the declaration. Nevertheless, the territorial power of the coast retains the right to stop, exceptionally and provisionally, the transit of improved arms and ammunition across its territory, if, in consequence of inland disturbances or other serious danger, there is ground for fearing lest the despatch of arms and ammunition may compromise its own safety.

ARTICLE XI.

The powers shall communicate to one another information relating to the traffic in fire-arms and ammunition, the permits granted, and the measures of repression in force in their respective territories.

ARTICLE XII.

The powers engage to adopt or to propose to their respective legislative bodies the measures necessary everywhere to secure the punishment

of infringers of the prohibitions contained in Articles VIII and IX, and that of their accomplices, besides the seizure and confiscation of the prohibited arms and ammunition, either by fine or imprisonment, or by both of these penalties, in proportion to the importance of the infraction and in accordance with the gravity of each case.

ARTICLE XIII.

The signatory powers that have possessions in Africa in contact with the zone specified in Article VIII, bind themselves to take the necessary measures for preventing the introduction of fire-arms and ammunition across their inland frontiers into the regions of said zone, at least that of improved arms and cartridges.

ARTICLE XIV.

The system stipulated in Articles VIII to XIII, shall remain in force for twelve years. In case none of the contracting parties shall have given notice twelve months before the expiration of this period, of its intention to put an end to it, or shall have demanded its revision, it shall remain obligatory for two years longer, and shall thus continue in force from two years to two years.

CHAPTER II. *Caravan Routes and Transportation of Slaves by land.*

ARTICLE XV.

Independently of the repressive or protective action which they exercise in the centres of the slave-trade, it shall be the duty of the stations, cruisers and posts, whose establishment is provided for in Article II, and of all other stations established or recognized by Article IV, by each government in its possessions, to watch, so far as circumstances shall permit, and in proportion to the progress of their administrative organization, the roads traveled in their territory by slave-dealers, to stop convoys on their march, or to pursue them wherever their action can be legally exercised.

ARTICLE XVI.

In the regions of the coasts known to serve habitually as places of passage or terminal points for slave-traffic coming from the interior, as well as at the points of intersection of the principal caravan routes ~~crossing~~ the zone contiguous to the coast already subject to the control ~~sovereign~~ or protective powers, posts shall be established under the

conditions and with the reservations mentioned in Article III, by the authorities to which the territories are subject, for the purpose of intercepting the convoys and liberating the slaves.

ARTICLE XVII.

A strict watch shall be organized by the local authorities at the ports and places near the coast, with a view to preventing the sale and shipment of slaves brought from the interior, as well as the formation and departure landwards of bands of slave-hunters and dealers.

Caravans arriving at the coast or in its vicinity, as well as those arriving in the interior at a locality occupied by the territorial power, shall, on their arrival, be subjected to a minute inspection as to the persons composing them. Any such person being ascertained to have been captured or carried off by force, or mutilated, either in his native place or on the way, shall be set free.

ARTICLE XVIII.

In the possessions of each of the contracting powers, it shall be the duty of the government to protect liberated slaves, to return them, if possible, to their country, to procure means of subsistence for them, and, in particular, to take charge of the education and subsequent employment of abandoned children.

ARTICLE XIX.

The penal arrangements provided for by Article V shall be applicable to all offences committed in the course of operations connected with the transportation of and traffic in slaves on land whenever such offences may be ascertained to have been committed.

Any person having incurred a penalty in consequence of an offence provided for by the present general act, shall incur the obligation of furnishing security before being able to engage in any commercial transaction in countries where the slave-trade is carried on.

CHAPTER III. *Repression of the Slave-trade by Sea.*

SECTION I. *General provisions.*

ARTICLE XX.

The signatory powers recognize the desirability of taking steps in common for the more effective repression of the slave-trade in the maritime zone in which it still exists.

ARTICLE XXI.

This zone extends, on the one hand, between the coasts of the Indian Ocean (those of the Persian Gulf and of the Red Sea included), from Beloochistan to Cape Tangalane (Quilimane); and, on the other hand, a conventional line which first follows the meridian from Tangalane till it intersects the 26th degree of South latitude; it is then merged in this parallel, then passes round the Island of Madagascar by the east, keeping 20 miles off the east and north shore, till it intersects the meridian at Cape Ambre. From this point the limit of the zone is determined by an oblique line, which extends to the coast of Beloochistan, passing 20 miles off Cape Ras-el-Had.

ARTICLE XXII.

The signatory powers of the present general act, — among whom exist special conventions for the suppression of the slave-trade, have agreed to restrict the clauses of those conventions concerning the reciprocal right of visit, of search and of seizure of vessels at sea, to the above mentioned zone.

ARTICLE XXIII.

The same powers also agree to limit the above mentioned right to vessels whose tonnage is less than 500 tons. This stipulation shall be revised as soon as experience shall have shown the necessity thereof.

ARTICLE XXIV.

All other provisions of the conventions concluded for the suppression of the slave-trade between the aforesaid powers shall remain in force provided they are not modified by the present general act.

ARTICLE XXV.

The signatory powers engage to adopt efficient measures to prevent the unlawful use of their flag, and to prevent the transportation of slaves on vessels authorized to fly their colors.

ARTICLE XXVI.

The signatory powers engage to adopt all measures necessary to facilitate the speedy exchange of information calculated to lead to the discovery of persons taking part in operations connected with the slave-trade.

ARTICLE XXVII.

At least one international bureau shall be created; it shall be established at Zanzibar. The high contracting parties engage to forward to it all the documents specified in Article XLI, as well as all information of any kind likely to assist in the suppression of the slave-trade.

ARTICLE XXVIII.

Any slave who has taken refuge on board a ship of war bearing the flag of one of the signatory powers, shall be immediately and definitively set free. Such freedom, however, shall not withdraw him from the competent jurisdiction if he has been guilty of any crime or offense at common law.

ARTICLE XXIX.

Any slave detained against his will on board of a native vessel shall have the right to demand his liberty. His release may be ordered by any agent of any of the signatory powers on whom the present general act confers the right of ascertaining the status of persons on board of such vessels, although such release shall not withdraw him from the competent jurisdiction if he has committed any crime or offense at common law.

SECTION II. *Regulation concerning the use of the flag and supervision by cruisers.*

1. Rules for granting the flag to native vessels, and as to crew lists and manifests of black passengers on board.

ARTICLE XXX.

The signatory powers engage to exercise a strict surveillance over native vessels authorized to carry their flag in the zone mentioned in Article XXI, and over the commercial operations carried on by such vessels.

ARTICLE XXXI.

The term "native vessel" applies to vessels fulfilling one of the following conditions:

1. It shall present the outward appearance of native build or rigging.
2. It shall be manned by a crew of whom the captain and the majority of the seamen belong by origin to one of the countries on the coast of the Indian Ocean, the Red Sea, or the Persian Gulf.

ARTICLE XXXII.

The authorization to carry the flag of one of the said powers shall in future be granted only to such native vessels as shall satisfy at the same time the three following conditions:

1. Fitters-out or owners of ships must be either subjects of or persons protected by the power whose flag they ask to carry.
2. They shall be obliged to prove that they possess real estate situated in the district of the authority to whom their application is addressed, or to furnish *bona fide* security as a guaranty of the payment of such fines as may be incurred.
3. The above-named fitters-out or owners of ships, as well as the captain of the vessel, shall prove that they enjoy a good reputation, and that in particular they have never been sentenced to punishment for acts connected with the slave-trade.

ARTICLE XXXIII.

This authorization granted shall be renewed every year. It may at any time be suspended or withdrawn by the authorities of the power whose colors the vessel carries.

ARTICLE XXXIV.

The act of authorization shall contain the statements necessary to establish the identity of the vessel. The captain shall have the keeping thereof. The name of the native vessel and the amount of its tonnage shall be cut and painted in Latin characters on the stern, and the initial or initials of the name of the port of registry, as well as the registration number in the series of the numbers of that port, shall be printed in black on the sails.

ARTICLE XXXV.

A list of the crew shall be issued to the captain of the vessel at the port of departure by the authorities of the power whose colors it carries. It shall be renewed at every fresh venture of the vessel, or, at the latest, at the end of a year, and in accordance with the following provisions:

1. The list shall be visaed at the departure of the vessel by the authority that has issued it.
2. No negro can be engaged as a seaman on a vessel without having previously been questioned by the authority of the power whose colors it carries, or, in default thereof, by the territorial authority, with a view to ascertaining the fact of his having contracted a free engagement.

3. This authority shall see that the proportion of seamen and boys is not out of proportion to the tonnage or rigging.

4. The authorities who shall have questioned the men before their departure shall enter them on the list of the crew in which they shall be mentioned with a summary description of each of them alongside his name.

5. In order the more effectively to prevent any substitution, the seamen may, moreover, be provided with a distinctive mark.

ARTICLE XXXVI.

When the captain of a vessel shall desire to take negro passengers on board, he shall make his declaration to that effect to the authority of the power whose colors he carries, or in default thereof, to the territorial authority. The passengers shall be questioned, and after it has been ascertained that they embarked of their own free will, they shall be entered in a special manifest, bearing the description of each of them alongside of his name, and specially sex and height. Negro children shall not be taken as passengers unless they are accompanied by their relations, or by persons whose respectability is well known. At the departure, the passenger roll shall be visaed by the aforesaid authority after it has been called. If there are no passengers on board, this shall be specially mentioned in the crew-list.

ARTICLE XXXVII.

At the arrival at any port of call or of destination, the captain of the vessel shall show to the authority of the power whose flag he carries, or, in default thereof, to the territorial authority, the crew-list, and, if need be, the passenger-roll previously delivered. The authority shall check the passengers who have reached their destination or who are stopping in a port of call, and shall mention their landing in the roll. At the departure of the vessel the same authority shall affix a fresh *visé* to the list and roll, and call the roll of the passengers.

ARTICLE XXXVIII.

On the African coast and on the adjacent islands, no negro passengers shall be taken on board of a native vessel, except in localities where there is a resident authority belonging to one of the signatory powers.

Throughout the extent of the zone mentioned in Article XXI no negro passenger shall be landed from a native vessel except at a place in

which there is a resident officer belonging to one of the high contracting powers, and unless such officer is present at the landing.

Cases of *vis major* that may have caused an infraction of these provisions shall be examined by the authority of the power whose colors the vessel carries, or, in default thereof, by the territorial authority of the port at which the vessel in question calls.

ARTICLE XXXIX.

The provisions of Articles XXXV, XXXVI, XXXVII, and XXXVIII are not applicable to vessels only partially decked, having a crew not exceeding ten men, and fulfilling one of the two following conditions:

1. That it be exclusively used for fishing within the territorial waters.
2. That it be occupied in the petty coasting trade between the different ports of the same territorial power, without going further than 5 miles from the coast.

These different boats shall receive, as the case may be, a special license from the territorial or consular authority, which shall be renewed every year, and subject to revocation as provided in Article XL, the uniform model of which license is annexed to the present general act and shall be communicated to the international information office.

ARTICLE XL.

Any act or attempted act connected with the slave-trade that can be legally shown to have been committed by the captain, fitter-out, or owner of a ship authorized to carry the flag of one of the signatory powers, or having procured the license provided for in Article XXXIX, shall entail the immediate withdrawal of the said authorization or license. All violations of the provisions of Section 2 of Chapter III shall render the person guilty thereof liable to the penalties provided by the special laws and ordinances of each of the contracting powers.

ARTICLE XLI.

The signatory powers engage to deposit at the international information office the specimen forms of the following documents:

1. License to carry the flag;
2. The crew-list;
3. The negro passenger list.

These documents, the tenor of which may vary according to the different regulations of each country, shall necessarily contain the following particulars, drawn up in one of the European languages:

1. As regards the authorization to carry the flag:

- (a) The name, tonnage, rig, and the principal dimensions of the vessel;
- (b) The register number and the signal letter of the port of registry;
- (c) The date of obtaining the license, and the office held by the person who issued it.

2. As regards the list of the crew:

- (a) The name of the vessel, of the captain and of the fitter-out or owner;
- (b) The tonnage of the vessel;
- (c) The register number and the port of registry, its destination, as well as the particulars specified in Article XXV.

3. As regards the list of negro passengers:

The name of the vessel which conveys them, and the particulars indicated in Article XXXVI, for the proper identification of the passengers.

The signatory powers shall take the necessary measures so that the territorial authorities or their consuls may send to the same office certified copies of all authorizations to carry their flag as soon as such authorizations shall have been granted, as well as notices of the withdrawal of any such authorization.

The provisions of the present article have reference only to papers intended for native vessels.

2. The stopping of suspected vessels.

ARTICLE XLII.

When the officers in command of war-vessels of any of the signatory powers have reason to believe that a vessel whose tonnage is less than 500 tons, and which is found navigating in the above-named zone, is engaged in the slave-trade or is guilty of the fraudulent use of a flag, they may examine the ship's papers.

The present article does not imply any change in the present state of things as regards jurisdiction in territorial waters.

ARTICLE XLIII.

To this end, a boat commanded by a naval officer in uniform may be sent to board the suspected vessel after it has been hailed and informed of this intention.

The officers sent on board of the vessel which has been stopped shall act with all possible consideration and moderation.

ARTICLE XLIV.

The examination of the ship's papers shall consist of the examination of the following documents:

1. As regards native vessels, the papers mentioned in Article XLI.
2. As regards other vessels, the documents required by the different treaties or conventions that are in force.

The examination of the ship's papers only authorizes the calling of the roll of the crew and passengers in the cases and in accordance with the conditions provided for in the following article.

ARTICLE XLV.

The examination of the cargo or the search can only take place in the case of vessels sailing under the flag of one of the powers that have concluded, or may hereafter conclude the special conventions provided for in Article XXII, and in accordance with the provisions of such conventions.

ARTICLE XLVI.

Before leaving the detained vessel, the officer shall draw up a minute according to the forms and in the language in use in the country to which he belongs.

This minute shall be dated and signed by the officer, and shall recite the facts.

The captain of the detained vessel, as well as the witnesses, shall have the right to cause to be added to the minutes any explanations they may think expedient.

ARTICLE XLVII.

The commander of a man-of-war who has detained a vessel under a foreign flag shall, in all cases, make a report thereof to his own government, and state the grounds upon which he has acted.

ARTICLE XLVIII.

A summary of this report, as well as a copy of the minute drawn up by the officer on board of the detained vessel, shall be sent, as soon as possible, to the international information office, which shall communicate the same to the nearest consular or territorial authority of the power whose flag the vessel in question has shown. Duplicates of these documents shall be kept in the archives of the bureau.

ARTICLE XLIX.

If, in performing the acts of supervision mentioned in the preceding articles, the officer in command of the cruiser is convinced that an act connected with the slave-trade has been committed on board during the passage, or that irrefutable proofs exist against the captain, or fitter-out, for accusing him of fraudulent use of the flag, or fraud, or participation in the slave-trade, he shall conduct the arrested vessel to the nearest port of the zone where there is a competent magistrate of the power whose flag has been used.

Each signatory power engages to appoint in the zone, and to make known to the international information office, the territorial or consular authorities or special delegates who are competent in the above-mentioned cases.

A suspected vessel may also be turned over to a cruiser of its own nation, if the latter consents to take charge of it.

3. Of the examination and trial of vessels seized.

ARTICLE L.

The magistrate referred to in the preceding article, to whom the arrested vessel has been turned over, shall proceed to make a full investigation, according to the laws and rules of his country, in the presence of an officer belonging to the foreign cruiser.

ARTICLE LI.

If it is proved by the inquiry that the flag has been fraudulently used, the arrested vessel shall remain at the disposal of its captor.

ARTICLE LII.

If the examination shows an act connected with the slave-trade, proved by the presence on board of slaves destined for sale, or any other offense connected with the slave-trade for which provision is made by special convention, the vessel and cargo shall remain sequestered in charge of the magistrate who shall have conducted the inquiry.

The captain and crew shall be turned over to the tribunals designated by Articles LIV and LVI. The slaves shall be set at liberty as soon as judgment has been pronounced.

In the cases provided for by this article, liberated slaves shall be disposed of in accordance with the special conventions concluded, or to be concluded, between the signatory powers. In default of such conven-

tions, the said slaves shall be turned over to the local authority, to be sent back, if possible, to their country of origin; if not, this authority shall facilitate to them, in so far as may be in its power, the means of livelihood, and, if they desire it, of settling on the spot.

ARTICLE LIII.

If it shall be proved by the inquiry that the vessel has been illegally arrested, there shall be clear title to an indemnity in proportion to the damages suffered by the vessels being taken out of its course.

The amount of this indemnity shall be fixed by the authority that has conducted the inquiry.

ARTICLE LIV.

In case the officer of the capturing vessel does not accept the conclusions of the inquiry held in his presence, the matter shall be turned over to the tribunal of the nation whose flag the captured vessel has borne.

No exception shall be made to this rule, unless the disagreement arises in respect of the amount of the indemnity stipulated in Article LIII, and this shall be fixed by arbitration, as specified in the following article.

ARTICLE LV.

The capturing officer and the authority which has conducted the inquiry shall each appoint a referee within forty-eight hours, and the two arbitrators shall have twenty-four hours to choose an umpire. The arbitrators shall, as far as possible, be chosen from among the diplomatic, consular, or judicial officers of the signatory powers. Natives in the pay of the contracting Governments are formally excluded. The decision shall be by a majority of votes, and be considered as final.

If the court of arbitration is not constituted in the time indicated, the procedure in respect of the indemnity, as in that of damages, shall be in accordance with the provisions of Article LVIII, paragraph 2.

ARTICLE LVI.

The cases shall be brought with the least possible delay before the tribunal of the nation whose flag has been used by the accused. However, the consuls or any other authority of the same nation as the accused, specially commissioned to this end, may be authorized by their Government to pronounce judgment instead of the tribunal.

ARTICLE LVII.

The procedure and trial of violations of the provisions of Chapter III shall always be conducted in as summary a manner as is permitted by the laws and regulations in force in the territories subject to the authority of the signatory powers.

ARTICLE LVIII.

Any decision of the national tribunal or authorities referred to in Article LVI, declaring that the seized vessel did not carry on the slave-trade, shall be immediately enforced, and the vessel shall be at perfect liberty to continue on its course.

In this case, the captain or owner of any vessel that has been seized without legitimate ground of suspicion, or subjected to annoyance, shall have the right of claiming damages, the amount of which shall be fixed by agreement between the Governments directly interested, or by arbitration, and shall be paid within a period of six months from the date of the judgment acquitting the captured vessel.

ARTICLE LIX.

In case of condemnation, the sequestered vessel shall be declared lawfully seized for the benefit of the captor.

The captain, crew, and all other persons found guilty shall be punished according to the gravity of the crimes or offenses committed by them, and in accordance with Article V.

ARTICLE LX.

The provisions of Articles L to LIX do not in any way affect the jurisdiction or procedure of existing special tribunals, or of such as may hereafter be formed to take cognizance of offenses connected with the slave-trade.

ARTICLE LXI.

The high contracting parties engage to make known to one another, reciprocally, the instructions which they shall give, for the execution of the provisions of Chapter III, to the commanders of their men-of-war navigating the seas of the zone referred to.

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CHAPTER IV. *Countries to which slaves are sent, whose institutions recognize the existence of domestic slavery.*

ARTICLE LXII.

The contracting powers whose institutions recognize the existence of domestic slavery, and whose possessions, in consequence thereof, in or out of Africa, serve, in spite of the vigilance of the authorities, as places of destination for African slaves, pledge themselves to prohibit their importation, transit and departure, as well as the trade in slaves. The most active and the strictest supervision shall be enforced at all places where the arrival, transit, and departure of African slaves take place.

ARTICLE LXIII.

Slaves set free under the provisions of the preceding article shall, if circumstances permit, be sent back to the country from whence they came. In all cases they shall receive letters of liberation from the competent authorities, and shall be entitled to their protection and assistance for the purpose of obtaining means of subsistence.

ARTICLE LXIV.

Any fugitive slave arriving at the frontier of any of the powers mentioned in Article LXII shall be considered free, and shall have the right to claim letters of release from the competent authorities.

ARTICLE LXV.

Any sale or transaction to which the slaves referred to in Articles LXIII and LXIV may have been subjected through circumstances of any kind whatsoever, shall be considered as null and void.

ARTICLE LXVI.

Native vessels carrying the flag of one of the countries mentioned in Article LXII, if there is any indication that they are employed in operations connected with the slave-trade, shall be subjected by the local authorities in the ports frequented by them to a strict examination of their crews and passengers both on arrival and departure. If African slaves are found on board, judicial proceedings shall be instituted against

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the vessel and against all persons who may be implicated. Slaves found on board shall receive letters of release through the authorities who have seized the vessels.

ARTICLE LXVII.

Penal provisions similar to those provided for by Article V shall be enacted against persons importing, transporting, and trading in African slaves, against the mutilators of male children or adults, and those who traffic in them, as well as against their associates and accomplices.

ARTICLE LXVIII.

The signatory powers recognize the great importance of the law respecting the prohibition of the slave-trade sanctioned by His Majesty the Emperor of the Ottomans on the 4th (16th) of December, 1889 (22 Rebi-ul-Akhir, 1307), and they are assured that an active surveillance will be organized by the Ottoman authorities, especially on the west coast of Arabia and on the routes which place that coast in communication with the other possessions of His Imperial Majesty in Asia.

ARTICLE LXIX.

His Majesty the Shah of Persia consents to organize an active surveillance in the territorial waters and those off the coast of the Persian Gulf and Gulf of Oman which are under his sovereignty, and on the inland routes which serve for the transportation of slaves. The magistrates and other authorities shall, to this effect, receive the necessary powers.

ARTICLE LXX.

His Highness the Sultan of Zanzibar consents to give his most effective support to the repression of crimes and offences committed by African slave-traders on land as well as at sea. The tribunals created for this purpose in the Sultanate of Zanzibar shall rigorously enforce the penal provisions mentioned in Article V. In order to render more secure the freedom of liberated slaves, both in virtue of the provisions of the present general act and of the decrees adopted in this matter by His Highness and his predecessors, a liberation office shall be established at Zanzibar.

ARTICLE LXXI.

The diplomatic and consular agents and the naval officers of the contracting powers shall, within the limits of existing conventions, give their assistance to the local authorities in order to assist in repressing the slave-trade where it still exists. They shall be entitled to be present at trials for slave-trading brought about at their instance, without, however, being entitled to take part in the deliberations.

ARTICLE LXXII.

Liberation offices, or institutions in lieu thereof, shall be organized by the governments of the countries to which African slaves are sent, for the purposes specified by Article XVIII.

ARTICLE LXXIII.

The signatory powers having undertaken to communicate to one another all information useful for the repression of the slave-trade, the Governments whom the present chapter concerns shall periodically exchange with the other Governments statistical data relating to slaves intercepted and liberated, and to the legislative and administrative measures which have been taken for suppressing the slave-trade.

CHAPTER V. *Institutions intended to insure the execution of the general act.*

SECTION I. *Of the international maritime office.*

ARTICLE LXXIV.

In accordance with the provisions of Article XXVII, an international office shall be instituted at Zanzibar, in which each of the signatory powers may be represented by a delegate.

ARTICLE LXXV.

The office shall be constituted as soon as three powers have appointed their representatives.

It shall draw up regulations fixing the manner of exercising its functions. These regulations shall immediately be submitted to the approval

of such signatory powers as shall have signified their intention of being represented in this office. They shall decide in this respect within the shortest possible time.

ARTICLE LXXVI.

The expenses of this institution shall be divided in equal parts among the signatory powers mentioned in the preceding article.

ARTICLE LXXVII.

The object of the office at Zanzibar shall be to centralize all documents and information of a nature to facilitate the repression of the slave-trade in the maritime zone. For this purpose the signatory powers engage to forward within the shortest time possible:

1. The documents specified in Article XLI;
2. Summaries of the reports and copies of the minutes referred to in Article XLVIII;
3. The list of the territorial or consular authorities and special delegates competent to take action as regards vessels seized according to the terms of Article XLIX;
4. Copies of judgments and condemnations in accordance with Article LVIII;
5. All information that may lead to the discovery of persons engaged in the slave-trade in the above-mentioned zone.

ARTICLE LXXVIII.

The archives of the office shall always be open to the naval officers of the signatory powers authorized to act within the limits of the zone defined by Article XXI, as well as to the territorial or judicial authorities, and to consuls specially designated by their Governments.

The office shall supply to foreign officers and agents authorized to consult its archives, translations into a European language of documents written in an Oriental language.

It shall make the communications provided for in Article XLVIII.

ARTICLE LXXIX.

Auxiliary offices in communication with the office at Zanzibar may be established in certain parts of the zone, in pursuance of a previous agreement between the interested powers.

They shall be composed of delegates of these powers, and established in accordance with Articles LXXV, LXXVI, and LXXVIII.

The documents and information specified in Article LXXVII, so far as they may relate to a part of the zone specially concerned, shall be sent to them directly by the territorial and consular authorities of the region in question, but this shall not exempt the latter from the duty of communicating the same to the office at Zanzibar, as provided by the same article.

ARTICLE LXXX.

The office at Zanzibar shall prepare in the first two months of every year, a report of its own operations and of those of the auxiliary offices, during the past twelve months.

SECTION II. *Of the exchange between the Governments of documents and information relating to the slave-trade.*

ARTICLE LXXXI.

The powers shall communicate to one another, to the fullest extent and with the least delay that they shall consider possible:

1. The text of the laws and administrative regulations, existing or enacted by application of the clauses of the present general act;
2. Statistical information concerning the slave-trade, slaves arrested and liberated, and the traffic in fire-arms, ammunition, and alcoholic liquors.

ARTICLE LXXXII.

The exchange of these documents and information shall be centralized in a special office attached to the foreign office at Brussels.

ARTICLE LXXXIII.

The office at Zanzibar shall forward to it every year the report mentioned in Article LXXX, concerning its operations during the past year, and concerning those of the auxiliary offices that may have been established in accordance with Article LXXIX.

ARTICLE LXXXIV.

The documents and information shall be collected and published periodically, and addressed to all the signatory powers. This publication shall be accompanied every year by an analytical table of the legislative, administrative, and statistical documents mentioned in Articles LXXXI and LXXXIII.

ARTICLE LXXXV.

The office expenses as well as those incurred in correspondence, translation, and printing, shall be shared by all the signatory powers, and shall be collected through the agency of the department of the foreign office at Brussels.

SECTION III. *Of the protection of liberated slaves.*

ARTICLE LXXXVI.

The signatory powers having recognized the duty of protecting liberated slaves in their respective possessions, engage to establish, if they do not already exist, in the ports of the zone determined by Article XXI, and in such parts of their said possessions as may be places for the capture, passage and arrival of African slaves, such offices and institutions as may be deemed sufficient by them, whose business shall specially consist in liberating and protecting them in accordance with the provisions of Articles VI, XVIII, LII, LXIII, and LXVI.

ARTICLE LXXXVII.

The liberation offices or the authorities charged with this service shall deliver letters of release and shall keep a register thereof.

In case of the denunciation of an act connected with the slave-trade, or one of illegal detention, or on application of the slaves themselves, the said offices or authorities shall exercise all necessary diligence to insure the release of the slaves and the punishment of the offenders.

The delivery of letters of release shall in no case be delayed, if the slave be accused of a crime or offence against the common law. But after the delivery of the said letters an investigation shall be proceeded with in the form established by the ordinary procedure.

ARTICLE LXXXVIII.

The signatory powers shall favor, in their possessions, the foundation of establishments of refuge for women and of education for liberated children.

ARTICLE LXXXIX.

Freed slaves may always apply to the offices for protection in the enjoyment of their freedom.

Whoever shall have used fraudulent or violent means to deprive a freed slave of his letters of release or of his liberty, shall be considered as a slave-dealer.

CHAPTER VI. *Measures to restrict the traffic in spirituous liquors.*

ARTICLE XC.

Being justly anxious concerning the moral and material consequences to which the abuse of spirituous liquors subjects the native population, the signatory powers have agreed to enforce the provisions of Articles XCI, XCII and XCIII within a zone extending from the 20th degree of North latitude to the 22d degree of South latitude, and bounded on the west by the Atlantic Ocean and on the east by the Indian Ocean and its dependencies, including the islands adjacent to the mainland within 100 nautical miles from the coast.

ARTICLE XCI.

In the districts of this zone where it shall be ascertained that, either on account of religious belief or from some other causes, the use of distilled liquors does not exist or has not been developed, the powers shall prohibit their importation. The manufacture of distilled liquors shall be likewise prohibited there.

Each power shall determine the limits of the zone of prohibition of alcoholic liquors in its possessions or protectorates, and shall be bound to make known the limits thereof to the other powers within the space of six months.

The above prohibition can only be suspended in the case of limited quantities intended for the consumption of the non-native population and imported under the regime and conditions determined by each Government.

ARTICLE XCII.

The powers having possessions or exercising protectorates in those regions of the zone which are not subjected to the regime of the prohibition, and into which alcoholic liquors are at present either freely imported or pay an import duty of less than 15 francs per hectolitre at 50 degrees centigrade, engage to levy on such alcoholic liquors an import duty of 15 francs per hectolitre at 50 degrees centigrade, for three years after the present general act comes into force. At the expiration of this period the duty may be increased to 25 francs during a fresh period of three years. At the end of the sixth year it shall be submitted to revision, the average results produced by these tariffs being taken as a basis, for the purpose of then fixing, if possible, a minimum duty throughout the whole extent of the zone where the prohibition referred to in Article XCI is not in force.

The powers retain the right of maintaining and increasing the duties beyond the minimum fixed by the present article in those regions where they already possess that right.

ARTICLE XCIII.

Distilled liquors manufactured in the regions referred to in Article XCII, and intended for inland consumption, shall be subject to an excise duty.

This excise duty, the collection of which the powers engage to secure, as far as possible, shall not be less than the minimum import duty fixed by Article XCII.

ARTICLE XCIV.

The signatory powers having possessions in Africa contiguous to the zone specified in Article XC engage to adopt the necessary measures for preventing the introduction of spirituous liquors within the territories of the said zone via their inland frontiers.

ARTICLE XCV.

The powers shall communicate to one another, through the office at Brussels, and according to the terms of Chapter V, information relating to the traffic in alcoholic liquors within their respective territories.

CHAPTER VII. *Final provisions.*

ARTICLE XCVI.

The present general act repeals all contrary stipulations of conventions previously concluded between the signatory powers.

ARTICLE XCVII.

The signatory powers, without prejudice to the stipulations contained in Articles XIV, XXIII and XCII, reserve the right of introducing into the present general act, hereafter and by common consent, such modifications or improvements as experience may prove to be useful.

ARTICLE XCVIII.

Powers who have not signed the present general act shall be allowed to adhere to it.

The signatory powers reserve the right to impose such conditions as they may deem necessary to their adhesion.

If no condition shall be stipulated, adhesion implies acceptance of all the obligations and admission to all the advantages stipulated by the present general act.

The powers shall agree among themselves as to the steps to be taken to secure the adhesion of states whose cooperation may be necessary or useful in order to insure complete execution of the general act.

Adhesion shall be effected by a separate act. Notice thereof shall be given through the diplomatic channel to the Government of the King of the Belgians, and by that Government to all the signatory and adherent states.

ARTICLE XCIX.

The present general act shall be ratified within the shortest possible period, which shall not in any case exceed one year.

Each power shall address its ratification to the Government of the King of the Belgians, which shall give notice thereof to all the other powers that have signed the present general act.

The ratifications of all the powers shall remain deposited in the archives of the Kingdom of Belgium.

As soon as all the ratifications shall have been furnished, or at the latest one year after the signature of the present general act, their deliv-

ery shall be recorded in a protocol which shall be signed by the representatives of all the powers that have ratified.

A certified copy of this protocol shall be forwarded to all the powers interested.

ARTICLE C.

The present general act shall come into force in all the possessions of the contracting powers on the sixtieth day, reckoned from the day on which the protocol provided for in the preceding article shall have been drawn up.

In witness whereof the respective plenipotentiaries have signed the present general act, and have thereto affixed their seals.

Done at Brussels the 2nd day of the month of July, 1890.

[SEAL]	EDWIN H. TERRELL.
[SEAL]	H. S. SANFORD.
[SEAL]	ALVENSLEBEN.
[SEAL]	GOEHRING.
[SEAL]	R. KHEVENHÜLLER.
[SEAL]	LAMBERMONT.
[SEAL]	E. BANNING.
[SEAL]	SCHACK DE BROCKDORFF.
[SEAL]	J. G. DE AGÜERA.
[SEAL]	EDM. VAN EETVELDE.
[SEAL]	A. VAN MALDEGHEM.
[SEAL]	A. BOURÉE.
[SEAL]	G. COGORDAN.
[SEAL]	VIVIAN.
[SEAL]	JOHN KIRK.
[SEAL]	F. DE RENZIS.
[SEAL]	T. CATALANI.
[SEAL]	L. GERICKE.
[SEAL]	NAZARE AGA.
[SEAL]	HENRIQUE DE MACEDO PEREIRA COUTINHO.
[SEAL]	L. OUROUSSOFF.
[SEAL]	MARTENS.
[SEAL]	BURENSTAM.
[SEAL]	ET. CARATHÉODORY.
[SEAL]	JOHN KIRK.
[SEAL]	GOEHRING.

ARTICLE XXXIX.

ANNEX TO THE GENERAL ACT.

License to ply the coasting trade on the East Coast of Africa in conformity with Article XXXIX.

Name of vessel, with description of form of build and rig.	Nationality.	Tonnage.	Port of register.	Name of captain.	Number of crew.	Maximum number of passengers.	Limits within which vessel is entitled to ply.	General remarks.

The present license must be renewed on the _____.
Rank of official who has issued the permit: _____.

DRAFT OF A PROTOCOL.

The undersigned, _____ met at the Ministry of Foreign Affairs at Brussels, in pursuance of Article XCIX of the General Act of July 2, 1890, and in execution of the Protocol of July 2, 1891, with a view to preparing a certificate of the deposit of the ratifications of such of the signatory powers as were unable to make such deposit at the meeting of July 2, 1891.

His Excellency the Minister of France declared that the President of the Republic, in his ratification of the Brussels General Act had provisionally reserved, until a subsequent understanding should be reached, Articles XXI, XXII, XXIII, and XLII to LXI.

The representatives _____, acknowledge to the Minister of France the deposit of the ratifications of the President of the French Republic, as well as of the exception bearing upon Articles XXI, XXII, XXIII, and XLII to LXI.

It is understood that the powers which have ratified the General Act in its entirety acknowledge that they are reciprocally bound as regards all its clauses.

It is likewise understood that these powers shall not be bound toward those which shall have ratified it partially, save within the limits of the engagements assumed by the latter powers.

Finally, it is understood that, as regards the powers that have partially ratified, the matters forming the subject of Articles XLII to LXI shall continue, until a subsequent agreement is adopted, to be governed by the stipulations and arrangements now in force.

In testimony whereof * * *

CONVENTION BETWEEN BELGIUM AND THE CONGO FREE STATE.

July 3, 1890.

Between Belgium, represented by M. A. Beernaert, Minister of Finance, acting under the reserve of approval of the Legislature, and the Congo Free State, represented by M. E. Van Eetvelde, administrator-general of the Department of Foreign Affairs, authorized to this end by the Sovereign King, the following convention is concluded:

I. Belgium agrees to advance, as a loan, to the Congo Free State, a sum of twenty-five million francs, in this manner: Five million francs immediately after the approval by the Legislature and two million francs yearly for ten years, counting from the first deposit.

During these ten years, the sums thus loaned shall not bear interest.

II. Six months after the expiration of the aforesaid period of ten years, Belgium may, if it desires, annex the Congo Free State with all the property, rights and advantages attached to the sovereignty of that state, as they have been recognized and fixed, especially by the General Act of Berlin, February 26, 1885, and the General Act of Brussels and the declaration, July 2, 1890; but under the responsibility of taking over the obligations of the said state to third states, the Sovereign King refusing expressly all indemnity on account of the personal sacrifices which he has made.

A law will regulate the special arrangement under which the territories of the Congo will then be placed.

III. From now on Belgium shall receive from the Congo Free State such information as it deems desirable concerning the economic, commercial and financial situation of the latter. It may, especially, demand the communication of the budgets of receipts and expenses, and statements of customs duties, both export and import.

This information shall have no other object than to furnish information to the Belgian Government, and the latter shall not in any way

interfere in the administration of the Congo Free State, which will continue to be attached to Belgium solely by the personal union of the two crowns.

However, the Congo Free State agrees henceforth not to contract any new loan without the consent of the Belgian Government.

IV. If, at the expiration of the aforesaid period, Belgium should decide not to annex the Congo Free State, the sum of twenty-five million francs loaned, entered upon the ledger containing its indebtedness, could not be demanded until after another period of ten years; but it should bear, in the meantime, an annual interest of $3\frac{1}{2}$ per cent, payable semi-annually, and, even before the expiration of this period, the Congo Free State should devote to partial payments all the sums derived from cessions of land or mines belonging to the state.

Done in duplicate, at Brussels, July 3, 1890.

A. BEERNAERT.

E. VAN EETVELDE.

TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE INDEPENDENT STATE OF THE CONGO — AMITY, COMMERCE, AND NAVIGATION.

Signed at Brussels January 24, 1891.

The United States of America, and

His Majesty Leopold II, King of the Belgians, Sovereign of the Independent State of the Congo, desiring to perpetuate, confirm and encourage the relations of commerce and of good understanding existing already between the two respective countries by the conclusion of a treaty of amity, commerce, navigation and extradition, have for this purpose named as their respective plenipotentiaries, viz:

His Excellency the President of the United States of America,

Edwin H. Terrell, Envoy Extraordinary and Minister Plenipotentiary of the United States of America near His Majesty the King of the Belgians; and

His Majesty Leopold II, King of the Belgians, Sovereign of the Independent State of the Congo,

Edm. Van Eetvelde, Administrator General of the Department of Foreign Affairs, Officer of His Order of Leopold, who, after having communicated to each other their full powers, found in good and due form, have agreed upon the following articles:

ARTICLE I.

There shall be full, entire and reciprocal liberty of commerce, establishment and navigation between the citizens and inhabitants of the two High contracting Parties.

The citizens and inhabitants of the United States of America in the Independent State of the Congo and those of the Independent State of the Congo in the United States of America shall have reciprocally the right, on conforming to the laws of the country, to enter, travel and reside in all parts of their respective territories; to carry on business there; and they shall enjoy in this respect for the protection of their persons and their property the same treatment and the same rights as the natives, or the citizens and inhabitants of the most favored nation.

They can freely exercise their industry or their business, as well wholesale as retail, in the whole extent of the territories, without being subjected, as to their persons or their property, or by reason of their business, to any taxes, general or local, imposts or conditions whatsoever other or more onerous than those which are imposed or may be imposed upon the natives other than non-civilized aborigines, or upon the citizens and inhabitants of the most favored nation.

In like manner they will enjoy reciprocally the treatment of the most favored nation in all that relates to rights, privileges, exemptions and immunities whatsoever concerning their persons or their property, and in the matter of commerce, industry and navigation.

ARTICLE II.

In all that concerns the acquisition, succession, possession and alienation of property, real and personal, the citizens and inhabitants of each of the High contracting Parties shall enjoy in the territories of the other all the rights which the respective laws accord or shall accord in those territories to the citizens and inhabitants of the most favored nation.

ARTICLE III.

The citizens and inhabitants of each of the High contracting Parties shall be exempt, in the territories of the other, from all personal service in the army, navy or militia and from all pecuniary contributions in lieu of such, as well as from all obligatory official functions whatever, except the obligation of sitting, within a radius of one hundred kilometres from the place of their residence, as a juror in judicial proceedings; further-

more, their property shall not be taken for the public service without an ample and sufficient compensation.

They shall have free access to the courts of the other, on conforming to the laws regulating the matter, as well for the prosecution as for the defense of their rights, in all the degrees of jurisdiction established by law. They can be represented by lawyers, and they shall enjoy, in this respect, and in what concerns domiciliary visits to their houses, manufactories, stores, warehouses, etc., the same rights and the same advantages which are or shall be granted to the citizens and inhabitants of the most favored nation, or to natives.

ARTICLE IV.

The citizens and inhabitants of the two countries shall enjoy, in the territory of the other, a full and entire liberty of conscience. They shall be protected in the free exercise of their worship; they shall have the right to erect religious edifices and to organize and maintain missions.

ARTICLE V.

It will be lawful for the two High contracting Parties to appoint and establish consuls, vice-consuls, deputy-consuls, consular agents and commercial agents in the territories of the other; but none of these agents can exercise his functions before having received the necessary exequatur from the Government to which he is delegated.

The said agents of each of the two High contracting Parties shall enjoy, in the territories of the other, upon the footing of a complete reciprocity, all the privileges, immunities and rights which are actually granted to those of the most favored nation or which may be accorded to them hereafter.

The said agents, citizens or inhabitants of the State by which they are appointed, shall not be subject to preliminary arrest, except in the case of acts qualified as crimes by the local legislation and punished as such. They shall be exempt from military billeting and from service in the army, navy or militia, as well as from all direct taxes, unless these should be due on account of real estate, or unless the said agents should exercise a profession or business of any kind.

The said agents can raise their national flag over their offices.

The consular offices shall be at all times inviolable. The local authorities can not invade them under any pretext. They can not in any case examine or seize the papers which shall be there deposited. The consular

office can not, on the other hand, serve as place of asylum, and if an agent of the consular service is engaged in business, commercial or other, the papers relating to the consulate shall be kept separate.

The said agents shall have the right to exercise all the functions generally appertaining to consuls, especially in what concerns the legalization of private and public documents, of invoices and commercial contracts, the taking of depositions and the right of authenticating legal acts and documents.

The said agents shall have the right to address the administrative and judicial authorities of the country in which they exercise their functions in order to complain of any infraction of the treaties or conventions existing between the two Governments, and for the purpose of protecting the rights and interests of the citizens and inhabitants of their country. They shall have also the right to settle all differences arising between the captains or the officers and the sailors of the sea-vessels of their nation. The local authorities shall abstain from interfering in these cases unless the maintenance of the public tranquillity requires it, or, unless their assistance should be asked by the consular authority in order to assure the execution of its decisions.

The local authorities will give to the said agents and, on their default to the captains or their casual representatives, all aid for the search and arrest of sailor-deserters, who shall be kept and guarded in the prisons of the State upon the requisition and at the expense of the consuls or of the captains during a maximum delay of two months.

ARTICLE VI.

The citizens and inhabitants of each of the High contracting Parties shall have reciprocally, according to the same rights and conditions and with the same privileges as those of the most favored nation, the right to enter with their vessels and cargoes into all the ports and to navigate upon all the rivers and interior waters of the other State.

The vessels of each of the contracting Parties and of its citizens or inhabitants can freely navigate upon the waters of the territory of the other, without being subject to any other tolls, charges or obligations than those which the vessels belonging to the citizens or inhabitants of the most favored nation would have to bear.

There will not be imposed by either of the contracting Parties upon the vessels belonging to the other or to the citizens or inhabitants of the other, in the matter of tonnage, port charges, pilotage, lighthouse and

quarantine dues, salvage of vessels and other administrative expenses whatsoever concerning navigation, any taxes or charges whatever, other or higher than those which are or shall be imposed upon the public or private vessels of the most favored nation.

It is agreed that every vessel belonging to one of the High contracting Parties or to a citizen or inhabitant of one of them, having the right to bear the flag of that country and having the right to its protection, both according to the laws of that country, shall be considered as a vessel of that nationality.

ARTICLE VII.

In what concerns the freight and facilities of transportation, and tolls, the merchandise belonging to the citizens or inhabitants of one of the contracting States transported over the roads, railroads and waterways of the other State, shall be treated on the same footing as the merchandise belonging to the citizens or inhabitants of the most favored nation.

ARTICLE VIII.

In the territories of neither of the High contracting Parties, shall there be established or enforced a prohibition against the importation, exportation or transit of any article of legal commerce, produced or manufactured in the territories of the other, unless this prohibition shall equally and at once be extended to all other nations.

ARTICLE IX.

[Stricken out by the Senate.]

ARTICLE X.

The Republic of the United States of America, recognizing that it is just and necessary to facilitate to the Independent State of the Congo the accomplishment of the obligations which it has contracted by virtue of the General Act of Brussels of July 2nd 1890, admits, so far as it is concerned, that import duties may be collected upon merchandise imported into the said State.

The tariff of these duties can not go beyond 10% of the value of the merchandise at the port of importation, during fifteen years to date from July 2nd 1890, except for spirits, which are regulated by the provisions of Chapter VI of the General Act of Brussels.

At the expiration of this term of fifteen years, and in default of a new

accord, the United States of America will be replaced, as to the Independent State of the Congo, in the situation which existed prior to July 2nd 1890; the right to impose import duties to a maximum of 10% upon merchandise imported into the said State remaining acquired to it, on the conditions and within the limitations determined in articles XI and XII of this treaty.

ARTICLE XI.

The United States shall enjoy in the Independent State of the Congo, as to the import duties, all the advantages accorded to the most favored nation.

It has been agreed besides:

1. That no differential treatment nor transit duty can be established;
2. That, in the application of the tariff *régime* which will be introduced, the Congo State will apply itself to simplify as far as possible, the formalities and to facilitate the operations of commerce.

ARTICLE XII.

Considering the fact that in Article X of the present treaty, the United States of America have given their assent to the establishment of import duties in the Independent State of the Congo under certain conditions, it is well understood that the said Independent State of the Congo assures to the flag, to the vessels, to the commerce and to the citizens and inhabitants of the United States of America, in all parts of the territories of that State, all the rights, privileges and immunities concerning import and export duties, tariff *régime*, interior taxes and charges and, in a general manner, all commercial interests, which are or shall be accorded to the signatory Powers of the Act of Berlin, or to the most favored nation.

ARTICLE XIII.

In case a difference should arise between the two High contracting Parties as to the validity, interpretation, application or enforcement of any of the provisions contained in the present treaty, and it could not be arranged amicably by diplomatic correspondence between the two Governments, these last agree to submit it to the judgment of an arbitration tribunal, the decision of which they bind themselves to respect and execute loyally.

The tribunal will be composed of three members. Each of the two High contracting Parties will designate one of them, selected outside of

the citizens and the inhabitants of either of the contracting States and of Belgium. The High contracting Parties will ask, by common accord, a friendly Government to appoint the third arbitrator, to be selected equally outside of the two contracting States and of Belgium.

If an arbitrator should be unable to sit by reason of death, resignation or for any other cause, he shall be replaced by a new arbitrator whose appointment shall be made in the same manner as that of the arbitrator whose place he takes.

The majority of arbitrators can act in case of the intentional absence or formal withdrawal of the minority. The decision of the majority of the arbitrators will be conclusive upon all questions to be determined.

The general expenses of the arbitration procedure will be borne, in equal parts, by the two High contracting Parties; but the expenses made by either of the parties for preparing and setting forth its case will be at the cost of that party.

ARTICLE XIV.

It is well understood that if the declaration on the subject of the import duties, signed July 2nd 1890, by the signatory Powers of the Act of Berlin, should not enter into force, in that case the present treaty would be absolutely null and without effect.

ARTICLE XV.

The present treaty shall be subject to the approval and the ratification, on the one hand, of the President of the United States, acting by the advice and with the consent of the Senate, and, on the other hand, of His Majesty the King of the Belgians, Sovereign of the Independent State of the Congo.

The ratifications of the present treaty shall be exchanged at the same time as those of the General Act of Brussels of July 2nd 1890, and it will enter into force at the same date as the latter.

In faith of which the respective Plenipotentiaries of the High contracting Parties have signed the present treaty in duplicate, in English and in French, and have attached thereto their seals.

Done at Brussels the twenty-fourth day of the month of January of the year Eighteen hundred and ninety one.

[SEAL.]

[SEAL.]

EDWIN H. TERRELL.

EDM. VAN EETVELDE.

ARRANGEMENT GIVING THE REGULATION OF THE RIGHT OF PREFERENCE
OF FRANCE OVER THE TERRITORIES OF THE CONGO FREE STATE.

February 5, 1895.

Considering that in virtue of the letters exchanged on the 23d and 24th of April, 1884, between M. Strauch, president of the International Association of the Congo, and M. J. Ferry, President of the Council and Minister of Foreign Affairs of the French Republic, a right of preference has been assured to France in case the association should be led some day to alienate its possessions; that this right of preference has been maintained since the Congo Free State replaced the International Association;

Considering that, in view of the transfer to Belgium of the possessions of the Congo Free State, by virtue of the treaty of cession of January 9, 1895, the Belgian Government will be substituted in the obligation contracted for under this agreement by the Government of the said State;

The undersigned have agreed upon the following provisions which shall regulate henceforth the right of preference of France in regard to the Belgian colony of the Congo.

ARTICLE 1.

The Belgian Government recognizes the fact that France has a right of preference over its possessions in the Congo, in case of the alienation in whole or in part, of the latter burdened with certain conditions.

Any exchange of territories of the Congo with a foreign power; every concession, lease of the said territories, in whole or in part, to a foreign state or to a foreign company invested with the rights of sovereignty, will equally give rise to the exercise of the right of preference of France, and will form, consequently, the subject of previous negotiation between the Belgian government and the government of the French Republic.

ARTICLE 2.

The Belgian Government declares that no cession will ever be made gratuitously, of all or part of these said possessions.

ARTICLE 3.

The dispositions provided in the above articles apply to all the Belgian territories in the Congo.

In faith of which, the undersigned have drawn up the present arrangement, and have attached their seals thereto.

Done in duplicate, at Paris, February 5, 1895.

[L. s.]

Bon D'ANETHAN

[L. s.]

G. HANOTAUX

ADHESION OF THE UNITED STATES OF AMERICA TO THE CONVENTION
SIGNED AT BRUSSELS JUNE 8, 1899, BY THE PLENIPOTENTIARIES OF CER-
TAIN POWERS FOR THE REGULATION OF THE IMPORTATION OF SPIRIT-
UOUS LIQUORS INTO CERTAIN REGIONS OF AFRICA.

*Convention signed at Brussels June 8, 1899; adhesion of the United
States advised and consented to by the Senate December 14, 1900.*

[Translation.]

His Majesty the German Emperor, King of Prussia, in the name of the German Empire; His Majesty the King of the Belgians; His Majesty the King of Spain, and in his name Her Majesty the Queen Regent of the Kingdom; His Majesty the King-Sovereign of the Independent State of the Congo; the President of the French Republic; Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India; His Majesty the King of Italy; Her Majesty the Queen of the Netherlands; His Majesty the King of Portugal and of the Algarves, &c.; His Majesty the Emperor of All the Russias; his Majesty the King of Sweden and Norway, &c.; and His Majesty the Emperor of the Ottomans;

Wishing to provide for the execution of Article XCII of the General Act of Brussels, which prescribes the revision of the Regulations on the importation of spirituous liquors into certain regions of Africa;

Have resolved to assemble a Conference for the purpose at Brussels, and have named as their Plenipotentiaries, that is to say:

His Majesty the German Emperor, King of Prussia, in the name of the German Empire, M. Frederic-Jean, Count of Alvensleben, his Chamberlain and Privy Councillor, his Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of the Belgians; and M. Guillaume Göhring, his Councillor of Legation;

His Majesty the King of the Belgians, M. Auguste, Baron Lambertmont, his Minister of State, his Envoy Extraordinary and Minister Plenipotentiary; and M. Auguste van Maldeghem, Councillor of the Court of Cassation of Belgium;

His Majesty the King of Spain, and in his name Her Majesty the Queen-Regent of the Kingdom, M. W. Ramirez de Villa-Urrutia, his Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of the Belgians;

His Majesty the King-Sovereign of the Independent State of the Congo, M. Paul de Smet de Naeyer, his Minister of State, Member of

the Chamber of Representatives of Belgium; and M. Hubert Droogmans, Secretary-General of the Finance Department of the Independent State of the Congo;

The President of the French Republic, M. A. Gérard, Envoy Extraordinary and Minister Plenipotentiary of the French Republic to His Majesty the King of the Belgians.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, Sir Francis Plunkett, her Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of the Belgians; and Mr. H. Farnall, of the Foreign Office;

His Majesty the King of Italy, M. R. Cantagalli, his Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of the Belgians;

Her Majesty the Queen of the Netherlands, Jonkheer Rudulphe de Pestel, her Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of the Belgians;

His Majesty the King of Portugal and the Algarves, M. Antoine-Marie, Count of Tovar, his Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of the Belgians;

His Majesty the Emperor of All the Russias, M. N. de Giers, his Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of the Belgians;

His Majesty the King of Sweden and Norway, M. Auguste-L.-Fersen, Count Gyldenstolpe, his Minister Plenipotentiary to His Majesty the King of the Belgians;

His Majesty the Emperor of the Ottomans, Etienne Carathéodory Effendi, High Dignitary of his Empire, his Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of the Belgians;

Who, furnished with powers in good and due form, have adopted the following provisions:—

ARTICLE I.

From the coming into force of the present Convention, the import duty on spirituous liquors, as that duty is regulated by the General Act of Brussels, shall be raised throughout the zone where there does not exist the system of total prohibition provided by Article XCI of the said General Act, to the rate of 70 fr. the hectolitre at 50 degrees centigrade for a period of six years.

It may, exceptionally, be at the rate of 60 fr. only the hectolitre at 50 degrees centigrade in the Colony of Togo and in that of Dahomey.

The import duty shall be augmented proportionally for each degree above 50 degrees centigrade; it may be diminished proportionally for each degree below 50 degrees centigrade.

At the end of the above-mentioned period of six years, the import duty shall be submitted to revision, taking as a basis the results produced by the preceding rate.

The Powers retain the right of maintaining and increasing the duty beyond the minimum fixed by the present Article in the regions where they now possess that right.

ARTICLE II.

In accordance with Article XCIII of the General Act of Brussels, distilled drinks made in the regions mentioned in Article XCII of the said General Act, and intended for consumption, shall pay an excise duty.

This excise duty, the collection of which the Powers undertake to insure as far as possible, shall not be lower than the minimum import duty fixed by Article I of the present Convention.

ARTICLE III.

It is understood that the powers who signed the General Act of Brussels, or who have adhered to it, and who are not represented at the present Conference, preserve the right of adhering to the present Convention.

ARTICLE IV.

The present Convention shall be ratified within the shortest possible period, and such period shall not in any case exceed one year.

Each Power shall address its ratification to the Government of His Majesty the King of the Belgians, which shall give notice thereof to all the other powers signatory of the present Convention. The ratifications of all the Powers shall be deposited in the archives of the Kingdom of Belgium.

As soon as all the ratifications have been produced, or at latest one year after the signature of the present Convention, their deposit shall be recorded in a Protocol which shall be signed by the Representatives of all the Powers who shall have ratified.

A certified copy of this Protocol shall be addressed to all the Powers interested.

ARTICLE V.

The present Convention shall come into force in all the possessions of the Contracting Powers situated in the zone defined by Article XC of the General Act of Brussels on the thirtieth day after the date of the preparation of the Protocol of Deposit mentioned in the preceding Article.

In faith whereof the respective Plenipotentiaries have signed the present Convention, and have affixed their seals thereto.

Done at Brussels, the eighth day of the month of June, eighteen hundred and ninety-nine.

(Signed)

ALVENSLEBEN.
GÖHRING.
BARON LAMBERMONT.
A. VAN MALDEGHEM.
W. R. DE VILLA-URRUTIA.
P. DE SMET DE NAeyer.
H. DROOGMANS.
A. GÉRARD.
F. R. PLUNKETT.
H. FARNALL.
R. CANTAGALLI.
R. DE PESTEL.
Comte DE TOVAR.
N. DE GIER.
AUG. F. GLYDENSTOLPE.
Ét. CARATHÉODORY.

TREATY OF CESSION AND ANNEXATION.

Signed November 28, 1907.

LEOPOLD II, King of the Belgians,

To whom it may concern.

Upon the advice of our Council of Ministers, We have decreed and decree:

Our Ministers of Foreign Affairs, of Interior, of Justice, of Finance, of Sciences and Art, of Industry and Labor, of Public Works, of Rail-

ways, Post and Telegraphs, temporarily charged with the portfolio of Agriculture, of War, will present in our name to the legislative Chambers the bill, the tenor of which is as follows:

ARTICLE UNIQUE. The treaty of cession herewith annexed, concluded on November 28, 1907, between Belgium and the Independent State of the Congo, is approved.

Given at Brussels, November 28, 1907.

LEOPOLD.

[Enumeration of ministerial attestations.]

Text of Treaty.

The Sovereign King of the Kongo having made known, by his letter of August 5, 1889, to the Minister of Finance of Belgium, that, if it were satisfactory to Belgium to conclude before the time fixed, more close ties with his possessions in the Congo, His Majesty would not hesitate to place them at its disposal; and the two high contracting parties being found in agreement,

The following treaty has been concluded between the State of Belgium, represented by Mr. Julien Davignon, Minister of Foreign Affairs; Mr. Jules de Trooz, Minister of Interior; Mr. Jules Renkin, Minister of Justice; Mr. Julien Liebaert, Minister of Finance; Baron Descamps, Minister of Sciences and Art; Mr. Armand Hubert, Minister of Industry and Labor; Mr. Auguste Delbeke, Minister of Public Works; Mr. George Helleputte, Minister of Railways, Posts and Telegraphs, temporarily charged with the portfolio of Agriculture; and Lieutenant-General Hellebaut, Minister of War, acting under reserve of legislative approval,

And the Independent State of the Kongo, represented by Chevalier de Cuvelier, Secretary-General of the Department for Foreign Affairs; Mr. Hubert Droogmans, Secretary-General of the Department of Finance; and Mr. Charles Liebrechts, Secretary-General of the Department of Interior.

ARTICLE I.

His Majesty King Leopold II, Sovereign of the Independent State, hereby cedes to Belgium the sovereignty of the territories composing the Independent Congo State, together with all the rights and obligations appertaining thereto. The Belgian State hereby accepts this cession, takes over and accepts the obligations of the Independent State as set

forth in Schedule A, and undertakes to respect the existing interests in the Congo, together with the legally acquired rights of third parties, native and non-native.

ARTICLE II.

The cession comprises all real and personal estate of the Independent Congo State, and particularly:

(1) The properties and all the lands belonging to its public and private domain, with reservation of the dispositions and obligations indicated in Schedule A of the present convention.

(2) All the shares and bonds and founder or interest shares mentioned in Schedule B.

(3) All the buildings, constructions, installations, plantations, and appropriations whatsoever, established or acquired in Africa and in Belgium, by the Government of the Independent Congo State, personal goods of all kinds, and the cattle it possesses there, together with its pontoons and boats with their fittings and its military material, as described in Schedule B, Sections II and IV.

(4) The forests, rubber, and other African products which are the property of the Independent Congo State, as well as the provisions and other merchandise belonging to it, as described in Schedule B (I and III).

ARTICLE III.

On the other hand, the cession includes all the liabilities and all the financial engagements of the Independent State, as set out in Schedule C.

ARTICLE IV.

The date upon which Belgium will begin to exercise her right of sovereignty over the territories mentioned in the first article will be determined by royal decree. The revenue obtained and the expenses incurred by the Independent State from January 1, 1908, will be taken over by Belgium.

In witness whereof the plenipotentiaries have signed the present agreement and have affixed thereto their seals.

Done in duplicate at Brussels this 28th day of November, 1907.

[Signed by all the Ministers of Belgium and the Secretaries-General of the Independent State of the Congo.]

PROVISIONAL ARRANGEMENT.

November 28, 1907.

A. From January 1, 1908, no expenses will be incurred by the Independent State of the Congo without notification being given to the Belgian Minister of Finance. The latter will be kept informed of all financial operations.

B. From the same date the expenditures incurred by the Independent Congo State and the revenue collected by it will be on account of Belgium, provided that the Bill for the annexation of the Congo is passed by the Chamber.

BRUSSELS, *November 28, 1907.*

[Signed for Belgium by J. Davignon, J. de Trooz, and J. Renkin.]

[Signed for the Independent Congo State by the three General Secretaries.]

BILL PROVIDING FOR THE GOVERNMENT OF THE BELGIAN CONGO.

CHAPTER I.

Concerning the juridical status of the Belgian Congo.

ARTICLE 1. The Belgian Congo has a legal status distinct from that of the mother country. It is governed by separate and distinct laws. The resources and liabilities of Belgium and the colony remain distinct. In consequence the Congolese interest charges will rest exclusively to the charge of the colony, unless it shall be decided otherwise by law.

CHAPTER II.

Concerning the rights of Belgians, foreigners, and natives.

ART. 2. All the inhabitants of the colony will enjoy the rights recognized by article 7, paragraphs 1 and 2, articles 8 to 15 inclusive, article 16, paragraph 1, article 17, paragraph 1, and articles 21, 22, and 24 of the Belgian Constitution. The words "the law" mentioned in article 7, paragraphs 2, 8, 9, 10, 11, article 17, paragraph 1, and article 22 of the Belgian Constitution are replaced, in whatever relates to the colony, by the words "the special laws or decrees."

The language which shall be employed is optional. It will be regu-

lated by special laws or decrees in such a way as to guarantee the rights of Belgians and Congolese and so regulated only for official acts and juridical business.

The Belgians will enjoy in the Congo in these matters guaranties similar to those which are assured them in Belgium. Special laws or decrees will be promulgated to this effect at a date not less than five years following the promulgation of the present law.

All the decrees and regulations having a general character shall be drawn and published in the French and Flemish languages. The two texts are official.

Belgians and the Congolese registered in the colony and foreigners shall enjoy all the civil rights conceded by the legislation of the Belgian Congo. Their personal status is regulated by their national laws, provided that these are not contrary to public order.

Natives of the Belgian Congo not registered enjoy the civil rights which are conceded them by the colonial legislation, and by their customs, provided these are not contrary either to law or public order. Natives of neighboring countries, not registered, shall enjoy similar rights.

No person can be constrained to work for the account or profit of commercial societies or private persons.

The laws will determine as soon as possible the status of the natives, their real rights and individual liberty.

ART. 3. The Governor-General will guard the preservation of the native population, the improvement of their moral and material conditions. He shall favor the expansion of individual liberty, the gradual abandonment of polygamy, and the development of individual holdings. He shall protect and favor without distinction of nationality or religion all the religious, scientific, or charitable institutions and enterprises created and organized for the purpose or aim of instructing the natives and bringing them to a comprehension and appreciation of the advantages of civilization.

Christian missionaries, scholars, explorers, their escorts, their belongings and collections shall be the object of a special protection.

ART. 4. There shall be established a permanent commission of seven members charged with the responsibility of watching over all the territory of the colony, with the protection of the natives and with the betterment of their moral and material condition.

The commission shall be under the presidency of the Procureur-

General. The other members shall be named by the King from among those persons residing in the territory of the colony, who by the nature of their functions appear specially qualified to carry out the protective character of their mission. The commission will appoint one of its members as secretary.

It will meet at least once each year; its president will convoke it.

The commission will address each year to the King a joint report relative to the measures taken in favor of the natives. This report shall be published.

The members of the commission shall report, if necessary individually, to the officers of the law, the abuses and illegalities of which the natives may have been made the victims.

CHAPTER III.

Relative to the exercise of powers.

ART. 5. The King will regulate by means of decrees those matters which are not or which shall not be regulated by the law. The decrees shall be issued upon the initiative of the Minister of Colonies. No decree shall have force except after having been published according to the forms prescribed by the law. It should, moreover, have been published in the *Moniteur Belge*.

The courts and the tribunals shall not put the decrees into force whenever they shall be found contrary to the laws.

ART. 6. The executive power shall be lodged in the King. It shall be exercised by means of regulations and proclamations. The courts and the tribunals shall not put the regulations and proclamations into force, except when they are in conformity with the laws and the decrees.

No regulation or proclamation shall be considered in force except after having been published.

ART. 7. No royal act shall have effect except when countersigned by a minister, who thereby renders himself responsible.

The expenses charged to the special fund of 50,000,000 francs, which amount is granted to the King and to his successors by article 4, paragraphs 3 and 4, of the additional act of March 5, 1908, shall likewise be subjected to this formality.

The annuities specified by the aforesaid additional act are assigned by the King in the proportions which he shall indicate to the objects enumerated in paragraph 5 of article 4.

ART. 8. No customs tax nor domestic tax shall be levied except for the needs of the colony, nor shall any exemption from taxation be granted to persons not born on the soil, except by legislative act.

The Governor and the functionaries or agents thereto authorized can grant to the natives temporary exemption from taxation.

The decree will go into force at the same time with the budget law which sanctions its first application.

The numerical force of the army shall be fixed annually by decree.

ART. 9. The circulating medium of gold and silver which have a legal tender in Belgium shall also have legal tender in the colonies.

A royal proclamation shall fix the date on which the gold and silver money coined by the Independent State of the Congo shall cease to be legal tender and will not be exchanged further by the colonial treasury.

The profits which may result from the coinage of Belgian money necessary to the colony shall accrue to the colonial budget.

It is lawful for the King to coin special money of small denomination for the colony; this money shall not circulate in Belgium.

ART. 10. The budget of receipts and expenses of the colony shall be fixed each year by the law.

Four months at least before the opening of the fiscal year the proposed budget shall be printed and distributed to the members of the legislative Chambers by the Minister of Colonies.

If the Chambers have not voted the budget five days before the opening of the fiscal year, the King shall proclaim the receipts and every three months thereafter until there shall be a decision of the Chambers there will be offered at the Ministry of Colonies the credit obligations necessary for temporary expenses.

The King, or within the colony the Governor-General, shall direct the appropriation and, in case of urgent need, the supplementary necessary expenses. Within the three months, the Minister of Colonies will transmit a copy of the royal proclamation or ordinance to the Chambers and submit a bill of approval.

ART. 11. The accounts general of the colony shall be proclaimed by law after verification by the court of accounts.

The court of accounts will require the Ministry of Colonies to deliver to it all statements, written accounts, and to give all the information and explanations necessary to the verification of the receipts and expenditures.

The account general of the colony shall be transmitted to the Chambers with the comments of the court of accounts.

ART. 12. The colony has no power to make loans, to guarantee the capital or the interest of a loan, or to execute public works except by appropriations duly authorized by law.

Nevertheless, if the necessities of the colonial treasury demand it, the King may, without previous authorization, issue or renew treasury bonds bearing interest and payable within five years. The treasury bonds in circulation shall not exceed the sum of ten million francs, and the money resulting from their sale shall be appropriated only to the discharge of public expenses regularly voted.

ART. 13. A special law will determine the rules regulating railway and mining concessions, or concessions of domanial property.

With every railway or mining concession, every sale or concession for any time whatsoever of domanial property of a superficial area exceeding ten hectares, there shall be issued a consent or authority by decree.

With all the documentary proofs, during thirty days of session, there shall be deposited with the bureaus of the two Chambers, all proposed decrees relating to:

- (a) Railway, mines, mining or alluvial gold concessions;
- (b) Sale of domanial improved property of a superficial area exceeding ten thousand hectares;
- (c) Concession of the use of domanial improved property if their superficial area exceeds twenty-five thousand hectares, or when the concession is granted for more than thirty years.

To determine the maximum of superficial area referred to in paragraphs 2 and 3, notice shall be taken of sales or concessions of domanial property where the purchaser or concessioner may have enjoyed a prior profit.

All acts of concession will include a clause providing for repurchase and will mention the cause of the forfeiture.

Every concession shall be temporary.

ART. 14. The civil judiciary and the military judiciary shall be organized by decree.

The public prosecutors shall exercise their functions under the direction of the Ministry of Colonies, represented in the colony by the Procureur-General of the Court of Appeals.

ART. 15. The permanent magistrates shall be nominated by the King. After a period which shall not exceed three years, they shall be re-nominated for a term of ten years.

The right of dismissing the Procureur-General of the Court of Appeals

appertains to the King. He may not, however, either dismiss or suspend the other permanent magistrates, except upon the representation of the Procureur-General for reasons set forth in the decree and in conformity with the advice of the Court of Appeal.

At the expiration of their terms of office the magistrates will be entitled to a pension. They may, however, be granted a pension prior to the expiration of the ten year term, either upon their request, when they shall have rendered eight years of service in the colony, including the period of preparation, or where they are prevented by reasons of physical incapacity to efficiently discharge their duties. In the latter case the pension shall not be established except upon the advice and agreement of the Supreme Court of the colony.

The permanent magistrates definitely in discharge of their functions can not be removed without their consent, except in cases of urgent need and for a temporary period. In all cases of removal they shall receive a salary at least equivalent to that which pertained to the office vacated.

The salaries, leaves of absence and pensions shall be fixed by decree.

ART. 16. The administrative authority shall not hinder, delay, or suspend the procedure of the courts and tribunals.

Nevertheless, the King may, for reasons relating to the public welfare, suspend, in any one district and for a fixed time, repressive action of the courts and civil tribunals, and substitute for them military control.

ART. 17. Justice shall be rendered and executed in the name of the King.

The sessions of the courts shall be held in public, unless it shall be evident that such publicity may be dangerous to public order and morals, and in such case the court will render its decision by a judgment.

All judgments shall be for reasons, and they shall be delivered in public sessions.

The King shall have the right of remitting, of reducing and commuting the penalties.

ART. 18. The King shall be represented in the colony by a Governor-General, assisted by one or more Vice-Governors-General.

No one shall be admissible to the functions of Governor-General unless he shall be a Belgian by birth or by naturalization or when he has exercised one of these offices in the territories of the Independent State of the Congo.

ART. 19. The executive power can not delegate the exercise of its rights except to persons and to constituted bodies below it in authority.

Nevertheless, the power and rights delegated by the Independent State of the Congo to the special committee of Katanga will continue in force until January 1, 1912, unless a decree shall terminate it at a prior date.

The Governor-General of the colony shall exercise by means of ordinances the executive power which the King has delegated to him.

The delegation of the legislative power is prohibited. Nevertheless, the King may authorize the Governor-General in cases of urgent necessity to temporarily suspend the execution of decrees and to issue ordinances having the force of law. The ordinances of this character shall cease to be binding after the expiration of six months if they shall not in the meantime have been approved by decree.

The ordinances having the force of law and the general ordinances of administration shall not be binding unless they have been published.

No action shall be taken against the press, except in conformity with the laws and decrees governing such cases.

CHAPTER IV.

Relating to the Minister of Colonies and the Colonial Council.

ART. 20. A Ministry of Colonies is created. The Minister of Colonies is nominated and dismissed by the King. He shall take part in the Council of Ministers.

The articles 86 and 91 of the Belgian Constitution are applicable to him.

ART. 21. A Colonial Council is established, consisting of a President and fourteen councilors.

The Minister of Colonies shall preside over the council. He shall have a voice in the discussion and in case of an equal division a casting vote.

Eight councilors shall be named by the King; six shall be chosen by the legislative chambers: three by the Senate and three by the Chamber of Representatives. They shall be elected by a secret ballot and by clear majority of the votes cast.

One of the councilors named by the King and one of the councilors named by the Chambers shall retire each year. The councilors shall retire according to precedence resulting from time of service.

The rank of those who may have been nominated on the same day shall be determined by drawing lots. The retiring councilors can be renominated.

The functions of a councilor and of a member of the Chamber of Representatives or of the Senate are incompatible.

The officials of the colonial administration in active service cannot take part in the council.

ART. 22. The colonial council shall consider all questions which the King may submit to it.

Except in case of urgency, the Colonial Council shall be consulted upon all proposed decrees. The drafts of the decrees shall be submitted to it by the King accompanied by a statement of the reasons therefor.

The council shall give its advice, in the form of an argumentative report within the period fixed by its organic law. The report shall indicate the number of the opposition, as well as their reasons therefor.

If the draft of the decree submitted for the King's signature does not accord with the recommendations of the council, the Minister of Colonies shall add to it an expression of his views.

If the council does not determine the matter within the period fixed by its organic law, the decree may be issued by the Minister of Colonies, accompanied by a statement of the reasons therefor.

The report of the Colonial Council and eventually the report of the Minister of Colonies shall be published at the same time with the decree.

The decrees issued in cases of urgency shall be submitted to the council within ten days from their date of issuance; the reasons for the urgency should be indicated to it. The report of the council shall be published not later than one month after the transmission of the decree.

ART. 23. The Colonial Council shall ask from the Government all the instructions which it may judge necessary in the prosecution of its work.

It may express its views to it.

CHAPTER V.

Concerning foreign relations.

ART. 24. The King shall make all treaties relative to the colonies.

The stipulations of article 68 of the Belgian Constitution relative to treaties shall be applied to the treaties relating to the colony.

ART. 25. The Minister for Foreign Affairs of the Kingdom is charged with the relations of Belgium with foreign powers in the subject of the colony.

CHAPTER VI.

General provisions.

ART. 26. The decisions rendered in civil and commercial matters by the Belgian courts having force in Belgium have in the colony the same force and shall be executed in full right.

All authenticated legal documents having force in Belgium shall have full force and right in the colony.

The judgments rendered in civil and commercial matters by the courts sitting in the colony having force in the colony shall have in Belgium full force if they conform to the following conditions:

1st. That the decision shall not contain anything contrary to public order or to the principles of Belgian public law;

2nd. That according to the colonial law it shall be in force and binding;

3rd. That in accordance with the same law the copy that is exhibited shall contain the conditions necessary to their authenticity;

4th. When the rights of the defendants have been respected.

The decisions of the courts shall be executed by the civil tribunal; the arbitral judgments and authenticated legal documents, by the president of the civil tribunal in the place where the execution must be put in force.

The authenticated legal instruments having force in the colony shall have force in Belgium when they conform to the following conditions: First, when the provisions which it is sought to put in force have nothing contrary to public order or to the principles of Belgian public law; second, when according to the colonial law, they contain the conditions necessary to their authenticity.

ART. 27. Anyone under charge of a breach of law committed in the colonies, and found in Belgium, may be taken and tried there by the Belgian tribunals conformably with the colonial penal code but according to the forms established by Belgian law.

The investigating tribunal acting in the matter may return the person under charge to the colonial jurisdiction, either upon his request or by virtue of a unanimous decision rendered at a public sitting upon the requisition of the public prosecutor, the person charged being present or having been duly cited.

Anyone under charge of a breach of law committed in Belgium, and

found in the territory of the colonies shall be delivered to the Belgian courts to be judged according to Belgian laws.

The person charged, if the Belgian authorities have not requested his return, may be represented before the Belgian courts by special attorney.

When the breach of the law consists of infractions committed partly upon Belgian territory and partly upon colonial territory it shall be considered as having been committed in Belgium.

When there are several accomplices of which some are found in Belgian territory and others in colonial territory the Belgian tribunals only are competent.

The tribunals competent to try the principals are equally competent to try the accomplices.

The decisions rendered in penal matters by Belgian courts or colonial courts shall have in Belgian territory or in colonial territory the authority of a judgment and shall have full force therein.

Nevertheless, anyone condemned by the Belgian courts to an imprisonment of not less than six months in prison may serve said sentence in Belgium if he so requests.

ART. 28. In all matters, the notification of judicial and extrajudicial acts concerning persons domiciled or resident in the colony is subject in Belgium to the general rules relative to the notification of acts concerning persons domiciled or resident abroad. Nevertheless the Minister of Colonies may intervene, if necessary, in representation of the Minister for Foreign Affairs.

Reciprocally the notification of judicial and extrajudicial acts concerning persons domiciled or resident in Belgium is subject in the colony to the general rules relative to the notification of acts concerning persons domiciled or resident abroad.

The rogatory commissions emanating from competent Belgian and colonial authorities shall have full force in the territory of Belgium and in the colonial territory.

ART. 29. The members of the legislative chambers can not be during their term of office paid functionaries, salaried employees, or attorneys for the colonial administration.

From the date of promulgation of the proposed law no member of either legislative Chamber can be nominated, nor if he now occupies any of the said positions, at the expiration of the term of office, be renominated a delegate of the Government, an administrator or a commissioner

in stock companies which carry on in Belgian Congo enterprises with a lucrative object if these functions are in any way remunerative or if the State is a stockholder in the company.

This last prohibition applies likewise to members of the Colonial Council, to the Governor-General, to the magistrates, and to the functionaries in the service of the colonial government.

Candidates for the legislative bodies, who exercise functions incompatible with the aforesaid legislative prohibition, although elected, may not be permitted to take the oath of office until they shall have resigned.

The members of the legislative bodies can not be nominated to functions and employments referred to in paragraphs 1 and 2 until at least one year after the termination of their term of office. Nomination to the office of Governor-General or of Vice-Governor-General of the colony shall not be subjected to this delay.

ART. 30. The functionaries and Belgian army officers, authorized to accept employment in the colony, before as well as after annexation, preserve their rank and their right of advancement in the administration or the army which they may have temporarily abandoned.

Belgian minors can not enlist in the colonial army without the written consent of their father, or of their mother when she is a widow, or, where they are orphans, of their guardian. In the last case, the authorization ought to result from a family council.

During the period of their active service, the Belgian military conscripts can not be authorized to enlist in the colonial army; any authorization which may be given them in violation of the existing rule of law will be considered as null and void.

ART. 31. Independently of the flag and the great seal of Belgium, the colony of the Congo may make use of the flag and great seal of the Congo State.

ART. 32. The decrees, regulations, and other acts now in vigor will preserve their obligatory force, except when such provisions are contrary to the present law, in which case they are abrogated.

ART. 33. Each year, together with the proposed colonial budget, there shall be presented to the Chambers, in the name of the King, a report on the administration of the Belgian Congo.

This report will contain all the explanations necessary to enlighten the national legislative bodies in the political, economical, financial, and moral situation of the colony.

It shall render account of the disposition during the fiscal year of the

annuity provided for in article 4 of the additional act of the treaty of annexation of the Independent State of the Congo to Belgium.

ART. 34. After annexation, the permanent magistrates, the functionaries, and all other agents of the Independent State of the Congo will preserve their positions for the term and under the conditions provided in the contract of their engagements.

DECREE SUPPRESSING THE FOUNDATION OF THE CROWN.

March 5, 1908.

LEOPOLD II, King of the Belgians,
Sovereign of the Independent State of the Congo,

To whom it may concern, greeting:

Referring to our decrees relative to the Foundation of the Crown, and particularly to those of March 9, 1896, December 23, 1901, December 21, 1906, and June 21, 1907, and especially to article 7 of decree of December 23, 1901, which is as follows:

If the present Foundation should cease to exist or if the clauses and conditions arranging for the utilization of the property with which it has been endowed shall not be respected, this property will revert in full right and be returned to the Founder or will be applied to the liquidation of the obligations owed by it to institutions, juridical persons or to public Congolese and other establishments, which the Founder may designate.

Upon the advice of our Secretary of State, we have decreed and decree:

ARTICLE 1.

From this date, the juridical person of the Foundation of the Crown having ceased to exist, in conformity with article 4 of the treaty of November 28, 1907, Belgium will assume the right of sovereignty over the territories of the Congo.

The property with which we have endowed it will revert to us.

ARTICLE 2.

On the date fixed in the preceding article, the property hereinafter enumerated will be, through the present decree and in consideration of the additional act of March 5, 1908, ceded by us to the State:

1. All the vacant lands in the basin of Lake Leopold II and of the river Lukenie;
2. All the vacant lands in the basin of the river Busira-Momboy;
3. All the vacant lands comprised in the following limits: from the west, the line of convergence of the Lubefu with the Sankuru, then from this point to the upper line of the basin of the Lukenie; to the southwest and to the south, the right bank of the Lubefu and the fifth parallel south; to the east, the upper western line of the waters of the Lomani, between the latter parallel and the third parallel south.
4. The mining district of the Aruwimi basin, of that drained by the tributaries on the left of the Uele-Kibali, excepting lands previously conceded.

The blocks of land of 20,000 hectares each in the lower Congo (Mayumbe), of which mention is made in the decree of May 5, 1906, are not included in the present cession.

ARTICLE 3.

The immovable properties enumerated in Annex I, paragraph 1, are on the same date ceded by us to the State. The usufruct being reserved to us.

The improvements and immovable properties enumerated in the same annex, paragraph 2, are ceded without conditions.

The improvements and immovable properties enumerated in paragraph 3 are not included in the present cession.

ARTICLE 4.

The assets of the Foundation, including the following stock, is also ceded:

One thousand shares of capital stock fully paid up, 1,000 shares of dividends and 580 shares of capital stock paid up to 40 per cent of the International Forestry and Mining Society of Congo;

One hundred and eighty shares, each of a 1,000 francs, paid up to 10 per cent. of the Society for the development of the territories in the basin of Lake Leopold II.

ARTICLE 5.

All the buildings and installations existing in the territories above mentioned, as well as the material, the products and the furniture, are also ceded to the State.

ARTICLE 6.

The cession of property above mentioned is encumbered with the charges indicated in Annex II.

ARTICLE 7.

The expenses already made or to be made by the Foundation for the profit of the State, and the contracts indicated in Annex III, will be met by the State.

The State will guarantee the respect of the concessions made by the Foundation, as set forth in Annex IV, to third parties.

ARTICLE 8.

The property referred to in articles 2, 3, 4, and 5, ceded to the State in conformity with article 1, will be definitely acquired, notwithstanding any legal provisions to the contrary, and, by virtue of this cession, the Foundation is discharged from all obligations to the State.

ARTICLE 9.

Our Secretary of State is charged with the execution of the present decree.

Given at Brussels, March 5, 1908.

LEOPOLD.

**BILL APPROVING THE ADDITIONAL ACT TO THE TREATY OF ANNEXATION
OF THE INDEPENDENT STATE OF THE CONGO TO BELGIUM.**

March 5, 1908.

Statement of Ministry.

GENTLEMEN: On the 14th day of January, 1908, when we presented ourselves for the first time to you, we had the honor, in the declaration which we then made, of noting that the tenor of the treaty of annexation of the Congo by Belgium had given rise to some apprehensions, and we announced our desire to meet objections which we judged well founded by the introduction of certain modifications.

Negotiations were thereupon opened with the Independent State of the Congo. These had for their object the elimination of the civil personality of the Foundation of the Crown, the granting of the property of said Foundation by its Founder to the private domain of the State, and

finally the conclusion of an additional convention between Belgium and the Congo State determining the obligations which, in the future, should rest upon the mother country and the colony.

We had the assurance of meeting your views in asking that the obligations created by the Foundation of the Crown in which Belgium is equally interested should be placed to her charge. We desired also to know the works, the execution of which was in contemplation, with an approximate estimate of their cost.

On the 4th of February, the negotiations had taken so favorable a turn that we were able to request the Commission of XVII to adjourn its work until such time as we would be able to transmit to it the additional convention, the conclusion of which was assured.

The pourparlers were continued and on the 24th of February we addressed to the Sovereign King the following letter:

SIR: At the moment when the Chambers are about to vote upon the treaty of annexation of the Congo to Belgium, we have the honor to make known very respectfully to Your Majesty, after having rendered homage to the high and patriotic views which have governed you in establishing the Foundation of the Crown, that these views are not generally understood.

We advise Your Majesty to consent to eliminate from said Foundation the civil personality and, by a new act of munificence, to order that the property which has hitherto belonged to the Foundation should be transferred to the private domain of our future colony, which will thereby hold the Foundation absolved and free of all obligations.

If it is agreeable to the King to accede to our request, it follows naturally that the obligations and the engagements of the Foundation will be respected.

The country would hold it an honor, we are sure, to assume the payment of all sums owed by the Foundation and to meet the engagements contracted by it in which Belgium is especially interested.

An additional act to the treaty of November 28, 1907, should show in precise manner the obligations which from this transaction will fall upon the mother country. The same act should indicate clearly the obligations which will fall upon the Congo.

According to our views, the sums at present due, for which Belgium should be recognized as responsible, should be immediately liquidated. Likewise, in carrying out the works in process of construction and those under contract, Belgium should take the place of the Foundation. A special fund should be created, of which the sum total should be irrevocably appropriated to the payment of these works; these payments should be placed under the control of the Court of Accounts.

On the other hand, the budgets of the colony should be looked to to

support the past and future expenses made on its account and also the cost of that part of the liquidation of the Foundation of the Crown in which it is interested.

Finally, a capital of 50,000,000 francs payable in fifteen installments, of which the first should be 3,800,000 francs, and each of the other fourteen 3,300,000 francs, should be established, in token of gratitude, to Your Majesty, by the Congo.

The disposition of this capital shall be directed by the King during his lifetime, or by his successors afterwards, to Congo subjects and to different works in favor of the Congo, whether for the profit and well being of the natives or to the advantage of the whites who have rendered good service in Africa.

The Sovereign King acceded to our request and issued, under date of March 5th, a decree abolishing the civil personality of the Foundation of the Crown, and transferring to the private domain of the State all of the possession in Africa, reserving only the two blocks of land of 20,000 hectares in the Mayumbé where experiments in the culture of rubber are being made and the possessions in Europe enumerated in Annex 1 of the additional convention; but for a part of these mentioned in the annex the revenue is retained.

These possessions are already destined to the State to meet the debt of 12,000,000 francs which the Foundation of the Crown yet owes it.

The charges incumbent on the Foundation and which ought to be assumed by the State are in this manner considerably reduced; the annexes set forth all those which still exist.

Finally, a fund of 50,000,000 francs is created. Said fund is assigned to the Sovereign in testimony of gratitude for all the great sacrifices which he has made in favor of the Congo.

It will be paid to him in fifteen annual installments, the first of 3,800,000 francs and the others of 3,300,000 francs each. This fund will be entirely consecrated by the Sovereign in carrying out his plans relative to the Congo and in works in favor of the colony, such as the construction of hospitals, schools for the instruction and the education of negroes, the expenses of scientific missions, the establishing of institutions for the prevention and cure of sleeping sickness, the aid of missions and of works in favor of the whites who have rendered good service in Africa.

Following this decree we concluded with the Congo State an additional convention, the purpose of which was to determine in a precise manner the rights and the obligations of the mother country and of the colony whenever the treaty of annexation shall have been adopted.

The possessions of the Foundation situated in Europe and set forth in

the annexes are transferred to Belgium, but she must assume responsibility for the sums due in Europe from the Foundation. These sums amount to 1,118,000 francs. Belgium assumes the rights and obligations of the Foundation in contracts for works in process or projected; the same are enumerated in the annexes.

The initiation of no new works is required. The only works to be continued are those of Laeken, the roads of Meysse, of the Heysel and Ostend, and the rearrangement of the Hotel Belle-Vue.

These will be carried out as usual under the direction of the State and the payments will be made under control of the Court of Accounts.

The total cost of these works is estimated at 45,000,000 francs.

Belgium will have, on the other hand, to face in the future the annuities yet due for the Rue Coudenberg purchases, which amount yet to 595,454 francs.

The Chamber will appreciate the importance of the concessions obtained. A just homage of respectful gratitude is due to the Founder of the Congo State. He has renounced his personal views to assist Belgium in reaping the benefit of the work to which he has devoted so many years.

The bill of annexation, which is at present submitted to you, takes account of the objections which have been raised.

We are carrying on here a national work. From the beginning we have appealed to the good will of all to momentarily forget the differences and the divisions of parties.

We have the firm confidence that you will understand the appeal and that a patriotic accord will be established among us to solve the important question which is submitted to you.

Project of Law.

LEOPOLD, King of the Belgians,

To whom it may concern, greeting.

Upon the advice of our Council of Ministers, We have decreed and decree:

Our Ministers of [enumeration of Ministers].

ARTICLE UNIQUE. The additional act hereto annexed to the treaty of annexation of November 28, 1907, between Belgium and the Independent State of the Congo is approved and signed the 5th of March, 1908.

Given at Brussels, March 5, 1908.

LEOPOLD.

[Enumeration of ministerial attestations.]

Text of Act.

Between Belgium, represented by * * * acting under reserve of approval by the Legislature, and the Independent State of the Congo, represented by * * * , the following is agreed upon:

ARTICLE 1.

The first article of the treaty of annexation of the 28th of November, 1907, does not apply to the Foundation of the Crown as defined in No. IV of Annex A of the treaty; the provisions embodied in the document joined to the Annex A under numbers 23, 24, 25, 27, 29, and 31 are abrogated.

ARTICLE 2.

No. IV of Annex A to the treaty relative to the reservation of properties in favor of the Foundation of the Crown is abrogated.

The properties which have hitherto been held under the name of Foundation of the Crown will, in case of the adoption of the treaty, be ceded to the private domain of the State, conformably to a decree of March 5, 1908, hereto annexed, without putting into force the clause stipulated for their purchase in article 7 of the convention of December 22, 1906.

This cession is encumbered with the charges indicated in the annexes of the aforesaid decree of March 5, 1908.

ARTICLE 3.

Moreover, that which follows has been agreed upon:

The Belgian State assumes the payment of all sums due by the Foundation of the Crown, when such obligations have been undertaken in the interest of Belgium, as set forth in Annex III of the present convention.

The obligations enumerated in Annex II will fall upon the colony.

The sums at present due, either by Belgium or the colony, will be immediately liquidated.

ARTICLE 4.

The Belgian State will take the place of the Foundation of the Crown as to the rights and all the obligations assumed by it for the conclusion of works now pending in Belgium and for those enterprises which may have been contracted for. These different works are enumerated in Annex V.

A special fund of 45,000,000 francs is created and shall be directed to the payment of these works under the supervision of the Court of Account.

There is established, moreover, a special fund of 50,000,000 francs to be met by the colony. This fund will be placed at the disposition of the King in token of gratitude for his great sacrifices in favor of the Congo created by him.

This will be paid to him in fifteen annual installments, the first of 3,800,000 francs and each of the fourteen others of 3,300,000 francs.

This fund will be employed by the King for Congo affairs and different works in favor of the Congo or the improvement of the welfare of the natives and for the advantage of the whites who have rendered good service in Africa, and whatsoever part shall not have been expended at his decease, will be at the disposition of his successors.

ARTICLE 5.

The revenues and the expenses pertaining to the Foundation of the Crown will, in case of annexation, pass to the account of the State on March 15, 1908.

In witness of which the respective plenipotentiaries have signed the present Act and affixed their seals.

Made in duplicate in Brussels, the 5th day of March, 1908.

MEMORANDUM PRESENTED BY AMERICAN MINISTER AT BRUSSELS TO THE BELGIAN MINISTER FOR FOREIGN AFFAIRS, APRIL 7, 1908.

The *nota pro memoria*, re the attitude of Belgium in the event of the annexation of the Congo, handed this legation on January 29, by His Excellency M. Davignon, was duly transmitted to Washington and the assurances therein contained of the earnest purpose of the Belgian Government, in the event that the government and administration of the Congo should be transferred to it, to fully carry out the stipulations and beneficent prescriptions of the acts of Berlin and Brussels, were noted with lively satisfaction.

In the entirely amicable and unofficial representation preceding, and which gave occasion to the *nota pro memoria*, it was not the intention of the Government of the United States to, in any way, call into question the high and disinterested purposes which, it is satisfied, govern Belgium in the consideration of the question of the annexation of the Congo

territories. On the contrary, the Government of the United States, finding that much is left to be desired in the present administration of the Congo from the standpoint of the acts of Brussels and Berlin, gladly welcomes annexation, and is firmly convinced that the assumption of the government of these regions by Belgium will be followed by improvement in the condition of the native races, by the development and civilization of the country, and by the liberation of trade and commerce from harmful restrictions.

The Government of the United States, however, feels that as a signatory to the Brussels Act, it has assumed certain well-defined obligations which may not be lightly evaded and which at this moment of transition, when the government of the Congo territories is about to be transferred from one power to another, make imperative a clear though brief expression of its views.

The dissatisfaction with the present administration of the Congo has grown very largely out of its policy toward the native races; a policy which was doubtless not intentionally cruel nor purposely at variance with the acts of Brussels and Berlin, but which, in the opinion of competent investigators, is enslaving, degrading, and decimating the native population. It may be admitted that there has been much exaggeration of the true condition of affairs and that many charges have been refuted, but the fact nevertheless remains that conditions prevail which were neither contemplated nor anticipated when the Independent Congo State was called into existence by the powers.

The Government of the United States believes that whatsoever power assumes dominion over the Congo should address itself with reasonable dispatch to carrying into practical execution, in letter and in spirit, the prescriptions of the Brussels and Berlin acts.

In the opinion of the Government of the United States, the reforms to be accomplished in the Congo should have for their object:

First, the exemption of the native population from excessive taxation;

Second, the inhibition of forced labor;

Third, the possibility of the natives becoming holders, in permanent tenancy, of tracts of land sufficiently large to afford sustenance;

Fourth, to make it possible for traders and settlers of all nationalities to secure unoccupied tracts of land, needed for the prosecution and development of peaceful commerce, at reasonable prices, in any part of the Congo;

Fifth, the procurement and guaranty of equal and exact justice to all

inhabitants of the Congo through the establishment and maintenance of an independent judiciary.

In calling attention to what, in its opinion, should be the objects of reform in the Congo, the Government of the United States may be permitted to add, on its own account, that, relying on the stipulations of articles 2 and 4 of the treaty of 1891, it would be especially pleased to see the right accorded to American Christian missionaries to secure reasonable-sized tracts of land, when not occupied by the State, in permanent holding, to be used for missionary sites and schools.

The Government of the United States confined itself in this memorandum to pointing out the direction in which, in its judgment, radical reforms and changes are needed. It does not believe that it is incumbent upon it to indicate or suggest to the Belgian Government the *modus operandi* for carrying these reforms into execution, well knowing the difficulties that must be surmounted and being fully cognizant of the unselfish purposes of the annexing Power. Its representations are conceived and made in an entirely friendly spirit, and it is hoped that they will receive that measure of consideration from the Belgian Government to which they are entitled by their disinterestedness and by the long and traditional friendship which has existed between the two countries.

OFFICIAL DOCUMENTS

TREATY BETWEEN COLOMBIA AND BRAZIL.

Signed at Bogotá, April 24, 1907.

The Republics of Colombia and the United States of Brazil, desirous of consolidating on a firm and lasting basis their old relations of peace and friendship, of suppressing all reasons for misunderstandings and of facilitating the development of their interests of good neighborliness and their commercial interests, have resolved to celebrate the following treaty, taking into account for the purposes of an amicable arrangement the state of their respective possessions and rights, and to this effect have named their plenipotentiaries, as follows:

His Excellency the President of the Republic of Colombia, has named General Alfredo Vásquez Cobo, Minister of Foreign Relations; and His Excellency, the President of the Republic of Brazil, has named Dr. Enéas Martins, Minister Resident on special mission near the Colombian Government,

Who, after having communicated their full powers which were found to be in due form, have stipulated the following:

ARTICLE I.

The frontier of Colombia and Brazil between Piedra del Cocuy on the Rio Negro and the confluence of the river Apaporis on the left bank of the river Yapurá or Caquetá, shall be as follows:

Sec. 1. From the island of San José in front of Piedra del Cocuy in a westerly direction to the right bank of the Rio Negro which it will cut at 1° 13' 51.76" north latitude and 7° 16' 25.9" longitude east of Bogotá, or 23° 39' 11.51" west of Rio de Janeiro; thence from this point by a straight line to the source of the little river Macacuny or Macapury, a right bank tributary of the Rio Negro or Guainía, which said tributary shall remain entirely in Colombian territory.

Sec. 2. From the source of the Macacuny or Macapury the frontier shall continue by the watershed until it shall pass between the source of the Igarapé Japery, tributary of the river Xié, and that of the river

Tomo, tributary of the Guainía, at the point indicated by the coordinates $2^{\circ} 1' 26.65''$ north latitude and $6^{\circ} 28' 59.8''$ longitude east of Bogotá or $24^{\circ} 26' 38.58''$ west of Rio Janeiro.

Sec. 3. The frontier shall continue toward the west by the highest part of the sinuous land that separates the waters that flow north from those that flow south, until it encounters the Caparro ridge, and leaving which it shall continue always by the highest part of the land that divides the waters that go to the river Guainía from those that flow to the river Cuiary or Iquiare, until it reaches the principal source of the river Memachi, a tributary of the river Naquieni, which in its turn is a tributary of the Guainía.

Sec. 4. Leaving the principal source of the Memachi in $2^{\circ} 1' 27.03''$ north latitude and $5^{\circ} 51' 15.8''$ longitude east of Bogotá or $25^{\circ} 4' 22.65''$ west of Rio Janeiro, the frontier line shall follow by the highest part of the land to the principal source of the tributary of the Cuiary or Iquiare that is nearest to the source of the Memachi, continuing along the course of said tributary until its confluence with the said Cuiare or Iquiare.

Sec. 5. From this confluence the frontier line shall follow down the thalweg of the said Cuiary to the place where the river Pegua, a left bank tributary, enters it, and from the confluence of the Pegua with the Cuiary the line shall follow toward the west and by the parallel of said confluence until it encounters the meridian that passes through the confluence of the Kerary with the Uaupés.

Sec. 6. On encountering the meridian of the confluence of the river Kerary or Cairary with the river Uaupés the line shall follow down said meridian to the said confluence, and thence by the thalweg of the river Uaupés to the confluence of the Capury, a right bank tributary of the said river Uaupés near the cascade of Jauarité.

Sec. 7. From the confluence of the said river Capury the line shall follow toward the west by the thalweg of the said Capury and to its source near $69^{\circ} 30'$ longitude west of Greenwich, going along the meridian of such source to the Taraira, thence following by the thalweg of said Taraira until its confluence with the Apaporis to the latter's confluence with the Yapurá or Caquetá, where the part of the frontier established by this treaty stops; there thus being defined the line from Piedra del Cocuy to the mouth of the Apaporis, and the rest of the frontier disputed between the two countries, being subject to a later arrangement in case Colombia is victorious in its other suits with Perú and Ecuador.

ARTICLE II.

A mixed commission named by the two governments within a year from the exchange of ratifications shall proceed to the demarkation of the frontier established by this treaty.

Sec. 1. By special protocols the organization and instructions for the work of this mixed commission shall be agreed upon, and said commission shall finish its labors within eight months after it is named.

Sec. 2. It remains agreed by these presents that in connecting up and completing the line the circles parallel to the equator and the meridians shall be followed in preference to any oblique lines wherever it is made necessary by the absence of natural landmarks.

ARTICLE III.

All doubts that may arise during the demarkation shall be amicably resolved by the High Contracting Parties, to whom said doubts shall be submitted by their respective commissioners without prejudice to the continuance of the demarkation.

If the two governments can not come to a direct agreement they declare by these presents their intention of abiding by the decision of an arbiter.

ARTICLE IV.

The two High Contracting Parties shall conclude within the space of twelve months a treaty of commerce and navigation based on the principle of the most ample liberty of terrestrial and fluvial transport and navigation for both nations, a right that they reciprocally recognize to each other in perpetuity from the moment of the approval of this treaty, in all the courses of the rivers that rise or flow within the limits of the region determined by the frontier line established by it, with the obligation of observing the fiscal and police regulations established or that may be established in the territory of each, regulations that in no event shall establish greater burdens or formalities for the boats, goods and persons of Colombians in Brazil than those which have been or may be established in Brazil for native Brazilians or in Colombia for native Colombians.

Colombian boats intended for the navigation of these rivers may communicate freely with the ocean by the Amazon. Such regulations must be as favorable as possible for navigation and commerce, and shall be as like as possible in the two countries. Nevertheless it is understood

and declared that in such navigation is not included that from port to port of the same country, or fluvial interior trade, which shall continue subject in each of the two states to their respective laws.

ARTICLE V.

This treaty after being duly and regularly approved in the Republic of Colombia and in the Republic of the United States of Brazil, shall be ratified by the two Executives and the ratifications exchanged in the city of Bogotá or in that of Rio de Janeiro within the shortest possible time.

In faith whereof we, the Plenipotentiaries of both Republics, have signed these presents and sealed them with our personal seals in Bogotá, on the twenty-fourth of April, nineteen hundred and seven.

(L. s.)	ALFREDO VÁZQUEZ COBO.
(L. s.)	ENÉAS MARTINS.

AGREEMENT OF MODUS VIVENDI ON THE PUTUMAYO BETWEEN COLOMBIA AND BRAZIL.

Signed at Bogotá, April 24, 1907.

The Governments of Colombia and Brazil with the purpose of developing the navigation and the commercial relations between their respective countries by the river Iça or Putumayo have agreed on the celebration of a modus vivendi with said object, and for this purpose General Alfredo Vázquez Cobo, Minister of Foreign Relations of Colombia, and Dr. Enéas Martins, Brazilian Minister Resident on Special Mission, have met in the Ministry of Foreign Relations and discussed and agreed in the name of their respective Governments, being duly authorized by them according to the full powers that they exhibit, the following:

ARTICLE I.

Colombian and Brazilian merchant ships may communicate freely with the ports that Colombia and Brazil have or may open on the river Iça or Putumayo, exempt from any charges except lighthouse or similar dues intended to be expended in aiding navigation, and said ships being subject to the fiscal and police regulations established by the competent authorities of each of the two countries for its respective territory. The Colombian ships intended for the navigation of the Putumayo may communicate freely with the ocean by the Amazon.

ARTICLE II.

As long as the present agreement lasts the custom house despatching of goods of foreign origin shipped to Colombia by the Amazon and the Iça or Putumayo may be done in the custom houses of Manaos or Belen (Pará) as ports of deposit according to Brazilian legislation.

The exportation of Colombian products may also be made by said custom houses, always provided that said products come duly accompanied by certificates of origin made at the places of production by Colombian authorities and authenticated by the authorities of the Brazilian fiscal post of the Iça.

ARTICLE III.

Brazil will permit, their number having been notified, the passage on the Amazon and Iça of Colombian men-of-war that may be going to waters of Colombian jurisdiction in the Putumayo. Reciprocally Colombia will permit the navigation of the waters of her jurisdiction in the Putumayo by Brazilian men-of-war.

Said ships shall be subject to fiscal and police regulations in case they take on board goods in the respective ports.

ARTICLE IV.

The present *modus vivendi* shall begin to take effect immediately, and shall last until denounced or modified by mutual agreement of the two Governments.

In faith whereof they sign and seal with their personal seals the present Convention in Bogotá the twenty-fourth day of April, nineteen hundred and seven.

(L. S.)	ALFREDO VÁZQUEZ COBO.
(L. S.)	ENÉAS MARTINS.

THE MOROCCAN QUESTION: RECOGNITION OF MULAI HAFID.

The Franco-Spanish Note to the Powers, September 14, 1908.

The decision which Sultan Abd el Aziz has just taken in renouncing the struggle against Mulai Hafid, places before the powers a situation which requires their examination. The very attitude which they have maintained during the course of the conflict, their understanding con-

cerning their common interests in Morocco and the principles upon which they have already agreed when they had to examine the Moroccan question at Algeciras, make very easy an agreement upon this situation.

France and Spain, charged with ensuring the execution of the most important measures taken by the conference of Algeciras for safeguarding the foreign colonies in the shereefian empire, and especially interested in Moroccan affairs because of their character of neighboring powers, believe it their duty to submit to the Cabinets observations suggested to them by the substitution of a new *de facto* government for the Makhzen of Abd el Aziz.

It appears at once, and that will doubtless be the unanimous feeling of the powers, that it is desirable upon this occasion, to affirm, as regards Morocco, their unity and complete agreement, and it seems that the best method of establishing the necessary understanding is to admit the rule that the various governments will withhold official recognition of the new makhzen only until guarantees and satisfaction have been obtained common to all foreign interests.

The French and Spanish governments believe that the guarantees to be obtained from the new makhzen should bear upon the following points:

The new sultan should declare his adherence generally to all the provisions of the Act of Algeciras as well as to all the rules of application, provided for in that act, which have already been established and approved by the diplomatic corps at Tangier, to the commissions instituted in virtue of these regulations, to the shereefian decisions and measures of whatever kind, taken in regard to this subject.

It should not be forgotten, in fact, that if this act constitutes the international consecration of the independence of the shereefian empire, it assures at the same time the safety of the foreign interests in Morocco.

The rights conferred upon France and Spain, with the consent of the powers, for the surveillance upon the sea of contraband arms, should be confirmed as well.

The new government should accept as a whole the other treaties and engagements concluded by the preceding sovereigns of Morocco with the powers, the arrangements made with the diplomatic corps and contracts with individuals; it should assume also the responsibility for the debts contracted by Abd el Aziz. Debts signed for the benefit of individuals should be submitted to a verification of which the conditions will be determined later.

The calculation of the damages caused by the trouble at Casablanca will be continued before the international commission actually in operation. The sultan will assume the actual and pecuniary responsibility of the decisions of that commission whose powers he will confirm.

Events show the absolute necessity of having the new sultan publicly and officially, in the eyes of his people, show his firm intention to maintain relations with foreign governments and their nationals in accordance with the law of nations.

He should therefore disavow and stop the calls to holy war; to this end he should address shereefian letters to the governors of the tribes and cities, which should aim to prevent or calm all agitation and every hostile act, in the interior as well as on the frontiers of Morocco. The sultan should agree to adopt immediately all the necessary measures to assure the security and liberty of communication around the ports and upon the principal highways of the interior.

These guarantees being obtained, nothing would longer prevent the reception by the powers of an official request for recognition by Mulai Hafid. The sultan will declare that that implies no renunciation on the part of foreign governments of the continuance of the regulation of the questions which concern their respective interests exclusively, nor any prejudice to their right to continue this regulation. In this manner France and Spain reserve the right to be reimbursed for the expense of their military operations and to claim directly the payment of indemnities for the murder of their nationals.

On the other hand, it would be proper for the new sultan to incline toward an honorable arrangement for the personal situation of Ab el Aziz and the powers will recommend that he treat the officials of his predecessor equitably.

Note sent to Mulai Hafid by the Powers, November 18, 1908.

The signatory governments to the Act of Algeciras have received a letter dated September 6 last which Mulai Hafid sent them through the dean of the diplomatic corps at Tangier, and by which he announced that, having been proclaimed by all the inhabitants of the Empire of Moghreb, he demanded recognition by the powers as sultan of Morocco. He offered at the same time to recognize all the public conventions concluded with the powers by his predecessors and especially the convention of Algeciras, as well as all the regulations and decisions in

which the diplomatic corps at Tangier intervened to assure the execution of that Act.

The governments of the countries represented at Morocco have received with satisfaction the spontaneous declaration of Mulai Hafid, which merits their approval.

But in order to avoid in the future all erroneous interpretation of the extent of his words, they believe they should state exactly the meaning and expressly deduce therefrom the results, in the interest of the relations of friendship and confidence which they wish to maintain with the sovereign authority of the shereefian empire.

They consider that in accepting the treaties concluded by his predecessors with the different powers, Mulai Hafid adheres to all the provisions of the Algeciras Act as well as to all the regulations of application provided by this Act and established or approved by the diplomatic corps at Tangier, to the commissions instituted in virtue of these regulations, to the shereefian decisions and measures of whatever character, made upon this subject, to the engagements and obligations of every kind resulting from arrangements with the diplomatic corps at Tangier, or from regular contracts with individuals.

Mulai Hafid assumes consequently the responsibility for the debts contracted by Abd el Aziz up to the day when the latter, in view of his renunciation of the throne, began negotiations through the medium of Menebbhi. However, debts which would have been signed for the benefit of individuals shall be submitted to a verification the conditions of which shall be determined later on the basis of the Act of Algeciras.

One of the principal conditions of the maintenance of order is the agreement in relation to the shereefian police in ports and the order which, with the approval of the other powers, has been given temporarily to France and Spain to oversee maritime contraband traffic in arms. It is understood that no reflection shall be cast upon the shereefian authority by these guarantees.

On the other hand, Abd el Aziz having provoked the meeting at Casablanca of an international commission charged with regulating the indemnities due by the Moroccan government on account of damages caused by the troubles which have arisen in that region, and this measure having received the consent of the powers which have sent their delegates, it is necessary that the commission begin again within the shortest possible time, and with the same powers as formerly, its work which has been momentarily interrupted.

Another consequence of the acceptance of the treaties is the obligation of the sultan to do whatever is necessary in order to bring security to his subjects and the foreign colonies in all the regions of the empire. It is proper, consequently, to proceed in harmony with the Act of Algeciras, to take all indispensable measures to guarantee the safety and liberty of communications, in such a manner as to permit of the establishment of a stable government, which shall be proper to the interest of all. It is proper also that Mulai Hafid should make this known to the people of Morocco in an official manner, telling them at the same time that his desire is to maintain with all countries and their nationals relations in accordance with the law of nations, such as should exist between friendly countries which mutually respect one another.

These questions are those which interest all the powers. There are others which concern only certain of them. In recognizing a new sultan, no power renounces its right to take up with him the regulation of the questions which concern exclusively each individual power.

In this way France and Spain have declared that they reserve the right to take up directly with the Makhzen reimbursement for the expenses which they have made to assure peace in certain regions of Morocco by means of necessary military expeditions. France and Spain, as well as other powers which find themselves in the same position, will of course treat with the Makhzen concerning the question of indemnities due for the murder of their nationals.

If, as the powers have all understood upon reading the letter of Mulai Hafid, these explanations agree exactly with his idea, they ask him to inform them thereof in express terms, so that they may recognize him as the legitimate sultan of Morocco. They beg him to transmit this reply through the dean of the diplomatic corps at Tangier.

They do not doubt that he understands that he owes to his brother Abd el Aziz the means of living as becomes a prince who concerns him so closely and who has occupied the imperial throne of his ancestors. They trust, too, that he will treat fairly the officials who have joined with the Makhzen Abd el Aziz.

Final note of recognition of Mulai Hafid. December 17, 1908.

The governments signatory to the Act of Algeciras have received the letter of the fourth of Ramadan one thousand three hundred and twenty-six which Mulai Hafid sent them through the dean of the diplomatic corps at Tangier, in reply to their communication of November 18.

The governments of the countries represented in Morocco have received that reply with satisfaction. They have found in it evidence that the conditions they had formulated in their note of November 18 in the interest of the relations of friendship and confidence they wish to maintain with the Sovereign Authority of the Shereefian Empire meet Mulai Hafid's sentiments exactly. In consequence the powers signatory to the Act of Algeciras have decided to recognize Mulai Hafid as the lawful Sultan of Morocco and have charged the dean of the diplomatic corps at Tangier to notify this recognition to the representative of His Majesty the Sultan in the said city.

CONVENTION BETWEEN AUSTRIA, FRANCE, GREAT BRITAIN, PRUSSIA AND
RUSSIA, FOR THE NEUTRALIZATION OF SWITZERLAND.

November 20, 1815.

The accession of Switzerland to the declaration published at Vienna the 20th March 1815, by the powers who signed the Treaty of Paris, having been duly notified to the ministers of the imperial and royal courts, by the Act of the Helvetic Diet on the 27th of the month of May following, there remained nothing to prevent the act of acknowledgment and guarantee of the perpetual neutrality of Switzerland, from being made conformably to the above-mentioned declaration. But the powers deemed it expedient to suspend till this day, the signature of that act, in consequence of the changes which the events of war, and the arrangements, which might result from it, might possibly occasion in the limits of Switzerland, and in respect also to the modifications resulting therefrom, in the arrangements relative to the federated territory, for the benefit of the Helvetic Body.

These changes being fixed by the stipulations of the Treaty of Paris signed this day, the Powers who signed the declaration of Vienna of the 20th March declare, by this present act, their formal and authentic acknowledgment of the perpetual neutrality of Switzerland; and they guarantee to that country the integrity and inviolability of its territory in its new limits, such as they are fixed, as well by the act of the Congress of Vienna, as by the Treaty of Paris of this day, and such as they will be hereafter; *conformably to the arrangement of the protocol of the 3d November,¹ extract of which is hereto annexed, which stipulates in favour of the Helvetic Body a new increase of territory,*

¹ This protocol defined the territory to be added.

to be taken from Savoy, in order to disengage from Enclaves, and complete the circle of the canton of Geneva.

The powers acknowledge likewise and guarantee the neutrality of those parts of Savoy, designated by the act of the Congress of Vienna of the 20th May 1815, and by the Treaty of Paris signed this day, the same being entitled to participate in the neutrality of Switzerland, equally as if they belonged to that country.

The powers who signed the declaration of the 20th of March acknowledge, in the most formal manner, by the present act, that the neutrality and inviolability of Switzerland, and her independence of all foreign influence, enter into the true interests of the policy of the whole of Europe.

They declare that no consequence unfavourable to the rights of Switzerland with respect to its neutrality, and the inviolability of its territory, can or ought to be drawn from the events, which led to the passage of the allied troops across a part of the Helvetic States. This passage, freely consented to by the cantons in the Convention of the 20th May, was the necessary result of the free adherence of Switzerland to the principles manifested by the powers who signed the Treaty of Alliance of the 25th March.

The powers acknowledged with satisfaction that the conduct of Switzerland, under these trying circumstances, has shown that she knew how to make great sacrifices to the general good, and to the support of a cause, which all the powers of Europe defended, and that in fine Switzerland has deserved the advantages which have been secured to her, whether by the arrangements of the Congress of Vienna, by the Treaty of Paris, of this day, or by the present act, to which all the powers in Europe are invited to accede.

In faith of which, the present declaration has been concluded, and signed at Paris the 20th day of November 1815. The signatures following the alphabetical order of the courts.

AUSTRIA :	THE PRINCE DE METTERNICH LE BARON DE WESSENBERG
FRANCE :	RICHELIEU
GREAT BRITAIN :	CASTLEREAGH WELLINGTON
PRUSSIA :	THE PRINCE DE HARDENBERG THE BARON DE HUMBOLDT
RUSSIA :	THE PRINCE DE RASOUMOFFSKI THE COUNT CAPO D' ISTRIA

NEUTRALITY OF BELGIUM. ANNEX TO TREATY BETWEEN GREAT BRITAIN,
AUSTRIA, FRANCE, PRUSSIA AND RUSSIA, AND THE NETHERLANDS.

Signed April 19, 1839.

* * * * *

ARTICLE 7.

Belgium, within the limits specified in articles 1, 2, and 4, shall form an independent and perpetually neutral state. It shall be bound to observe such neutrality towards all other states.¹

* * * * *

TREATY OF PEACE, AMITY, NAVIGATION, AND COMMERCE, BETWEEN THE
UNITED STATES AND NEW GRANADA, ESTABLISHING THE NEUTRALIZA-
TION OF THE ISTHMUS OF PANAMA.

Concluded December 12, 1846.

* * * * *

ARTICLE 35.

The United States of America and the Republic of New Granada desiring to make as durable as possible, the relations which are to be established between the two parties by virtue of this treaty, have declared solemnly, and do agree to the following points.

1st. For the better understanding of the preceding articles, it is, and has been stipulated, between the high contracting parties, that the citizens, vessels and merchandise of the United States shall enjoy in the ports of New Granada, including those of the part of the Granadian territory generally denominated *Isthmus of Panama*, from its southernmost extremity until the boundary of Costa Rica, all the exemptions, privileges and immunities, concerning commerce and navigation, which are now, or may hereafter be enjoyed by Granadian citizens, their vessels and merchandise; and that this equality of favors shall be made

¹ This annex containing the same clause forms also part of a treaty between Great Britain, Austria, France, Prussia, and Russia, and Belgium.

to extend to the passengers, correspondence and merchandise of the United States in their transit across the said territory, from one sea to the other. The government of New Granada guarantees to the government of the United States, that the right of way or transit across the *Isthmus of Panama* upon any modes of communication that now exist, or that may be, hereafter, constructed, shall be open and free to the government and citizens of the United States, and for the transportation of any articles of produce, manufactures or merchandise, of lawful commerce, belonging to the citizens of the United States; that no other tolls or charges shall be levied or collected upon the citizens of the United States, or their said merchandise thus passing over any road or canal that may be made by the government of New Granada, or by the authority of the same, than is under like circumstances levied upon and collected from the Granadian citizens; that any lawful produce, manufactures or merchandise belonging to citizens of the United States, thus passing from one sea to the other, in either direction, for the purpose of exportation to any other foreign country, shall not be liable to any import duties whatever; or having paid such duties, they shall be entitled to drawback, upon their exportation: nor shall the citizens of the United States be liable to any duties, tolls, or charges of any kind to which native citizens are not subjected for thus passing the said Isthmus. And, in order to secure to themselves the tranquil and constant enjoyment of these advantages, and as an especial compensation for the said advantages and for the favours they have acquired by the 4th, 5th, and 6th articles of this treaty, *the United States guarantee positively and efficaciously to New Granada, by the present stipulation, the perfect neutrality of the beforementioned Isthmus*, with the view that the free transit from the one to the other sea, may not be interrupted or embarrassed in any future time while this treaty exists; and in consequence, the United States also guarantee, in the same manner, the rights of sovereignty and property which New Granada has and possesses over the said territory.

* * * * *

B. A. BIDLACK. (SEAL)

M. M. NALLARINO. (SEAL)

CONVENTION BETWEEN THE UNITED STATES AND GREAT BRITAIN FOR
FACILITATING AND PROTECTING THE CONSTRUCTION OF A SHIP CANAL
BETWEEN THE ATLANTIC AND PACIFIC OCEANS, AND FOR OTHER PUR-
POSES (CLAYTON-BULWER TREATY).

Concluded April 19, 1850.

The United States of America and Her Britannic Majesty, being desirous of consolidating the relations of amity which so happily subsist between them, by setting forth and fixing in a convention their views and intentions with reference to any means of communication by ship-canal which may be constructed between the Atlantic and Pacific oceans, by the way of the river San Juan de Nicaragua, and either or both of the lakes of Nicaragua or Managua, to any port or place on the Pacific ocean; the President of the United States has conferred full powers on John M. Clayton, Secretary of State of the United States; and Her Britannic Majesty on the Right Honorable Sir Henry Lytton Bulwer, a member of Her Majesty's Most Honorable Privy Council, Knight Commander of the Most Honorable Order of the Bath, and Envoy Extraordinary and Minister Plenipotentiary of Her Britannic Majesty to the United States, for the aforesaid purpose; and the said plenipotentiaries having exchanged their full powers, which were found to be in proper form, have agreed to the following articles:

ARTICLE I.

The governments of the United States and Great Britain hereby declare, that neither the one nor the other will ever obtain or maintain for itself any exclusive control over the said ship-canal; agreeing, that neither will ever erect or maintain any fortifications commanding the same, or in the vicinity thereof, or occupy, or fortify, or colonize, or assume or exercise any dominion over Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America; nor will either make use of any protection which either affords or may afford, or any alliance which either has or may have, to or with any state or people, for the purpose of erecting or maintaining any such fortifications, or of occupying, fortifying, or colonizing Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America, or of assuming or exercising dominion over the same; nor will the United States or Great Britain take advantage of any intimacy, or use any alliance, connexion or influence that either may possess with any state or government through whose terri-

tory the said canal may pass, for the purpose of acquiring or holding, directly or indirectly, for the citizens or subjects of the one, any rights or advantages in regard to commerce or navigation through the said canal, which shall not be offered on the same terms to the citizens or subjects of the other.

ARTICLE II.

Vessels of the United States or Great Britain, traversing the said canal, shall, in case of war between the contracting parties, be exempted from blockade, detention or capture, by either of the belligerents; and this provision shall extend to such a distance from the two ends of the said canal, as may hereafter be found expedient to establish.

ARTICLE III.

In order to secure the construction of the said canal, the contracting parties engage, that if any such canal shall be undertaken upon fair and equitable terms by any parties having the authority of the local government or governments, through whose territory the same may pass, then the persons employed in making the said canal, and their property used, or to be used, for that object, shall be protected, from the commencement of the said canal to its completion, by the governments of the United States and Great Britain, from unjust detention, confiscation, seizure or any violence whatsoever.

ARTICLE IV.

The contracting parties will use whatever influence they respectively exercise, with any state, states or governments possessing, or claiming to possess, any jurisdiction or right over the territory which the said canal shall traverse, or which shall be near the waters applicable thereto, in order to induce such states or governments to facilitate the construction of the said canal by every means in their power. And furthermore, the United States and Great Britain agree to use their good offices, wherever or however it may be most expedient, in order to procure the establishment of two free ports, one at each end of the said canal.

ARTICLE V.

The contracting parties further engage, that when the said canal shall have been completed, they will protect it from interruption, seizure or unjust confiscation, and that they will guarantee the neutrality thereof, so that the said canal may forever be open and free, and the capital in-

vested therein, secure. Nevertheless, the governments of the United States and Great Britain, in according their protection to the construction of the said canal, and guaranteeing its neutrality and security when completed, always understand that this protection and guarantee are granted conditionally, and may be withdrawn by both governments, or either government, if both governments, or either government, should deem that the persons or company undertaking or managing the same, adopt or establish such regulations concerning the traffic thereupon, as are contrary to the spirit and intention of this convention, either by making unfair discriminations in favor of the commerce of one of the contracting parties over the commerce of the other, or by imposing oppressive exactions or unreasonable tolls upon passengers, vessels, goods, wares, merchandise or other articles. Neither party, however, shall withdraw the aforesaid protection and guarantee without first giving six months' notice to the other.

ARTICLE VI.

The contracting parties in this Convention engage to invite every state with which both or either have friendly intercourse, to enter into stipulations with them similar to those which they have entered into with each other; to the end, that all other states may share in the honor and advantage of having contributed to a work of such general interest and importance as the canal herein contemplated. And the contracting parties likewise agree, that each shall enter into treaty stipulations with such of the Central American States, as they may deem advisable, for the purpose of more effectually carrying out the great design of this convention, namely, that of constructing and maintaining the said canal as a ship-communication between the two oceans for the benefit of mankind, on equal terms to all, and of protecting the same; and they also agree, that the good offices of either shall be employed, when requested by the other, in aiding and assisting the negotiation of such treaty stipulations; and should any differences arise as to right or property over the territory through which the said canal shall pass between the states or governments of Central America, and such differences should in any way impede or obstruct the execution of the said canal, the governments of the United States and Great Britain will use their good offices to settle such differences in the manner best suited to promote the interests of the said canal, and to strengthen the bonds of friendship and alliance which exist between the contracting parties.

ARTICLE VII.

It being desirable that no time should be unnecessarily lost in commencing and constructing the said canal, the governments of the United States and Great Britain determine to give their support and encouragement to such persons or company as may first offer to commence the same, with the necessary capital, the consent of the local authorities, and on such principles as accord with the spirit and intention of this convention; and if any persons or company should already have, with any state through which the proposed ship-canal may pass, a contract for the construction of such a canal as that specified in this convention, to the stipulations of which contract neither of the contracting parties in this convention have any just cause to object; and the said persons or company shall, moreover, have made preparations, and expended time, money and trouble, on the faith of such contract, it is hereby agreed, that such persons or company shall have a priority of claim, over every other person, persons or company, to the protection of the governments of the United States and Great Britain, and be allowed a year, from the date of the exchange of the ratifications of this convention, for concluding their arrangements, and presenting evidence of sufficient capital subscribed to accomplish the contemplated undertaking; it being understood that if, at the expiration of the aforesaid period, such persons or company be not able to commence and carry out the proposed enterprise, then the governments of the United States and Great Britain shall be free to afford their protection to any other persons or company that shall be prepared to commence and proceed with the construction of the canal in question.

ARTICLE VIII.

The governments of the United States and Great Britain having not only desired, in entering into this convention, to accomplish a particular object, but also to establish a general principle, they hereby agree to extend their protection, by treaty stipulations, to any other practicable communications, whether by canal or railway, across the isthmus which connects North and South America; and especially to the inter-oceanic communications, should the same prove to be practicable, whether by canal or railway, which are now proposed to be established by the way of Tehuantepec or Panama. In granting, however, their joint protection to any such canals or railways as are by this article specified, it is always understood by the United States and Great Britain that the

parties constructing or owning the same shall impose no other charges or conditions of traffic thereupon than the aforesaid governments shall approve of, as just and equitable; and that the same canals or railways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other state which is willing to grant thereto such protection as the United States and Great Britain engage to afford.

ARTICLE IX.

The ratifications of this convention shall be exchanged at Washington within six months from this day, or sooner if possible.

In faith whereof, we, the respective plenipotentiaries have signed this convention, and have hereunto affixed our seals.

Done at Washington, the nineteenth day of April, Anno Domini one thousand eight hundred and fifty.

JOHN M. CLAYTON. [L. S.]

HENRY LYTTON BULWER. [L. S.]

PROVISIONS CONCERNING THE NEUTRALIZATION OF THE BLACK SEA AND DANUBE RIVER CONTAINED IN THE GENERAL TREATY BETWEEN GREAT BRITAIN, AUSTRIA, FRANCE, PRUSSIA, RUSSIA, SARDINIA, AND TURKEY.

Signed March 30, 1856.

* * * * *

ARTICLE 11.

The Black Sea is neutralized: its waters and its ports, thrown open to the mercantile marine of every nation, are formally and in perpetuity interdicted to the flag of war, either of the powers possessing its coasts, or of any other power, with the exceptions mentioned in articles 14 and 19 of the present treaty.

ARTICLE 12.

Free from any impediment, the commerce in the ports and waters of the Black Sea shall be subject only to regulations of health, customs, and police, framed in a spirit favorable to the development of commercial transactions.

In order to afford to the commercial and maritime interests of every nation, the security which is desired, Russia and the Sublime Porte will admit consuls into their ports situated upon the coast of the Black Sea, in conformity with the principles of international law.

ARTICLE 13.

The Black Sea being neutralized according to the terms of article 11, the maintenance or establishment upon its coast of military-maritime arsenals becomes alike unnecessary and purposeless; in consequence, His Majesty the Emperor of all the Russias, and His Imperial Majesty the Sultan engage not to establish or to maintain upon that coast any military-maritime arsenal.

ARTICLE 14.

Their majesties the Emperor of all the Russias and the Sultan having concluded a convention for the purpose of settling the force and the number of light vessels, necessary for the service of their coasts, which they reserve to themselves to maintain in the Black Sea, that convention is annexed to the present treaty, and shall have the same force and validity as if it formed an integral part thereof. It cannot be either annulled or modified without the assent of the powers signing the present treaty.

ARTICLE 15.

The Act of the Congress of Vienna having established the principles intended to regulate the navigation of rivers which separate or traverse different states, the contracting powers stipulate among themselves that those principles shall in future be equally applied to the Danube and its mouths. They declare that this arrangement henceforth forms a part of the public law of Europe, and take it under their guarantee.

The navigation of the Danube cannot be subjected to any impediment or charge not expressly provided for by the stipulations contained in the following articles: in consequence, there shall not be levied any toll founded solely upon the fact of the navigation of the river, nor any duty upon the goods which may be on board of vessels. The regulations of police and of quarantine to be established for the safety of the states separated or traversed by that river, shall be so framed as to facilitate, as much as possible, the passage of vessels. With the exception of such regulations, no obstacle whatever shall be opposed to free navigation.

ARTICLE 16.

With the view to carry out the arrangements of the preceding article, a commission, in which Great Britain, Austria, France, Prussia, Russia, Sardinia, and Turkey, shall each be represented by one delegate, shall be charged to designate and to cause to be executed the works necessary below Isatcha, to clear the mouths of the Danube, as well as the neighboring parts of the sea, from the sands and other impediments which obstruct them, in order to put that part of the river and the said parts of the sea in the best possible state for navigation.

In order to cover the expenses of such works, as well as of the establishments intended to secure and to facilitate the navigation at the mouths of the Danube, fixed duties, of a suitable rate, settled by the commission by a majority of votes, may be levied, on the express condition that, in this respect as in every other, the flags of all nations shall be treated on the footing of perfect equality.

* * * * *

ARTICLE 19.

In order to insure the execution of the regulations which shall have been established by common agreement, in conformity with the principles above declared, each of the contracting powers shall have the right to station, at all times, two light vessels at the mouths of the Danube.

* * * * *

NEUTRALIZATION OF THE IONIAN ISLANDS.

Treaty between Great Britain, Austria, France, Prussia and Russia, concerning the annexation of the Ionian Islands by Greece, November 14, 1863.

* * * * *

ARTICLE 2.

The Ionian Islands, after their union with the Kingdom of Greece, shall enjoy the advantages of perpetual neutrality; and in consequence no armed force, naval or military, can ever be collected or stationed on the territory or in the waters of these islands, beyond the number strictly

necessary to maintain public order, and to insure the receipt of the state revenues.

The high contracting parties bind themselves to respect the principle of neutrality provided for in the present article.

ARTICLE 3.

As a necessary consequence of the neutrality which the United States of the Ionian Islands are thus called upon to enjoy, the fortifications constructed in the Island of Corfu and in its immediate dependencies, being purposeless henceforth, shall be demolished, and their destruction shall be accomplished before the withdrawal of the troops employed by Great Britain to occupy these islands in its character of protecting power. This destruction shall be performed in the manner which Her Majesty the Queen of the United Kingdom of Great Britain and Ireland shall deem sufficient to fulfill the intentions of the high contracting parties.¹

* * * * *

Treaty between Great Britain, France and Russia, on the one part, and Greece on the other, March 29, 1864.

* * * * *

ARTICLE 2.

The courts of Great Britain, France and Russia, in their character of guaranteeing powers for Greece, declare, with the consent of the courts of Austria and Prussia, that the islands of Corfu and Paxo, as well as their dependencies, after their union with the Kingdom of Greece, shall enjoy the advantages of perpetual neutrality.

His majesty the king of the Greeks, binds himself on his part, to maintain this neutrality.

* * * * *

¹ This provision was modified in the treaty finally entered into with Greece as the quotation following shows.

TREATY RELATIVE TO THE NEUTRALIZATION OF THE GRAND DUCHY OF
LUXEMBURG.*May 11, 1867.*

In the name of the most holy and indivisible trinity.

His majesty, the King of the Netherlands, grand duke of Luxemburg, taking into consideration the change produced in the situation of the Grand Duchy in consequence of the dissolution of the ties by which it was attached to the late Germanic Confederation, has invited their majesties the Queen of the United Kingdom of Great Britain and Ireland, the Emperor of Austria, the King of the Belgians, the Emperor of the French, the King of Prussia, and the Emperor of all the Russias, to assemble their representatives in conference at London, in order to come to an understanding, with the plenipotentiaries of his majesty, the King Grand Duke, as to the new arrangements to be made in the general interests of peace.

And their said majesties, after having accepted that invitation, have resolved, by common consent, to respond to the desire manifested by his majesty the King of Italy to take part in a deliberation destined to offer a new pledge of security for the maintenance of the general tranquility.

In consequence, their majesties, in concert with his majesty the King of Italy, wishing to conclude a treaty with a view to that object, have named as their plenipotentiaries, that is to say:

(Here follow the names.)

Who, after having exchanged their full powers, found in good and due form, have agreed upon the following articles:

ARTICLE 1.

His Majesty the King of the Netherlands, grand duke of Luxemburg, maintains the ties which attach the said Grand Duchy to the house of Orange-Nassau, in virtue of the treaties which placed that state under the sovereignty of the King Grand Duke, his descendants and successors.

The rights which the agnates of the house of Nassau possess with regard to the succession of the Grand Duchy, in virtue of the same treaties, are maintained.

The high contracting parties accept the present declaration, and place it upon record.

ARTICLE 2.

The Grand Duchy of Luxemburg, within the limits determined by the act annexed to the treaties of the 19th of April, 1839, under the guarantee of the courts of Great Britain, Austria, France, Prussia, and Russia, shall henceforth form a perpetually neutral state.

It shall be bound to observe the same neutrality towards all other states.

The high contracting parties engage to respect the principle of neutrality stipulated by the present article.

That principle is and remains placed under the sanction of the collective guarantee of the powers signing parties to the present treaty, with the exception of Belgium, which is itself a neutral state.

ARTICLE 3.

The Grand Duchy of Luxemburg being neutralized, according to the terms of the preceding article, the maintenance or establishment of fortresses upon its territory becomes without necessity as well as without object.

In consequence, it is agreed by common consent that the city of Luxemburg, considered in time past, in a military point of view, as a federal fortress, shall cease to be a fortified city.

His majesty the King Grand Duke reserves to himself to maintain in that city the number of troops necessary to provide in it for the maintenance of good order.

ARTICLE 4.

In conformity with the stipulations contained in articles 2 and 3, his majesty the King of Prussia declares that his troops actually in garrison in the fortress of Luxemburg shall receive orders to proceed to the evacuation of that place immediately after the exchange of the ratifications of the present treaty. The withdrawal of the artillery, munitions, and every object which forms part of the equipment of the said fortress shall commence simultaneously. During that operation there shall remain in it no more than the number of troops necessary to provide for the safety of the material of war, and to effect the dispatch thereof, which shall be completed within the shortest time possible.

ARTICLE 5.

His majesty the King Grand Duke, in virtue of the rights of sovereignty which he exercises over the city and fortress of Luxemburg,

engages, on his part, to take the necessary measures for converting the said fortress into an open city by means of a demolition which his majesty shall deem sufficient to fulfil the intentions of the high contracting parties expressed in article 3 of the present treaty. The works requisite for that purpose shall be commenced immediately after the withdrawal of the garrison. They shall be carried out with all the attention required for the interests of the inhabitants of the city.

His majesty the King Grand Duke promises, moreover, that the fortifications of the city of Luxemburg shall not be restored in future, and that no military establishment shall be there maintained or created.

ARTICLE 6.

The powers signing parties to the present treaty recognize that the dissolution of the Germanic Confederation having equally produced the dissolution of the ties which united the Duchy of Limburg, collectively with the Grand Duchy of Luxemburg, to the said confederation, it results therefrom that the relations, of which mention is made in articles 3, 4, and 5 of the treaty of the 19th of April, 1839, between the Grand Duchy and certain territories belonging to the Duchy of Limburg, have ceased to exist, the said territories continuing to form an integral part of the Kingdom of the Netherlands.

ARTICLE 7.

The present treaty shall be ratified, and the ratifications shall be exchanged at London within the space of four weeks, or sooner if possible.

In witness whereof the respective plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done at London, the eleventh day of May, in the year of our Lord one thousand eight hundred and sixty-seven.

For GREAT BRITAIN:	(L. s.)	STANLEY
" AUSTRIA:	(L. s.)	APPONYI
" BELGIUM:	(L. s.)	VAN DE WEYER
" FRANCE:	(L. s.)	LA TOUR D'AUVERGNE
" ITALY:	(L. s.)	D'AZEGLIO
" NETHERLANDS:	(L. s.)	BENTINCK
	(L. s.)	TORNACO
	(L. s.)	E. SERVAIS
" PRUSSIA:	(L. s.)	BERNSTORFF
" RUSSIA:	(L. s.)	BRUNNOW

TREATY BETWEEN ARGENTINE REPUBLIC AND CHILE, ESTABLISHING THE
NEUTRALITY OF STRAITS OF MAGELLAN.

Signed July 23, 1881.

In the name of Almighty God!

The governments of the Chilean and Argentine Republics, wishing to solve in a friendly and dignified spirit the boundary question which has existed between the two countries, and in fulfilment of article 39 of the treaty of April, 1856, have resolved to conclude a boundary treaty, and for that purpose have named two plenipotentiaries, namely:

By his Excellency the President of the Republic of Chile, Don Francisco B. de Echeverría, consul-general for that Republic; and

By His Excellency the President of the Argentine Republic, Dr. Don Bernardo de Irigoyen, Secretary of State for Foreign Affairs;

Who, after exhibiting their full powers, and finding them sufficient, have agreed to the following articles:

ARTICLE 1. The limit between Chile and the Argentine Republic is the Cordillera of the Andes from the north to latitude 52° south. The frontier-line shall follow the crest of the Cordillera, which divides the waters, and will pass between the sources thereof on either side. Any doubts due to the existence of valleys formed by the forking of the Andes, where the line dividing the waters is not clearly determined, shall be amicably settled by two experts, one named by either side. In case of disagreement a third expert, named by both, shall be called upon to decide. A copy, in duplicate, embodying their operations, shall be signed by the two experts, and by the third in those cases where his decision has been called for. This act shall take full effect from the time it is written, and shall be considered valid and binding without further formality or procedure. A copy shall be forwarded to each government.

ARTICLE 2. In the south part of the continent, and to the north of the Straits of Magellan, the limit between the two countries shall be a line leaving Dungeness Point, passing overland westward by the highest points of the chain of hills to the summit of Mount Aymond. Thence the line will continue to the intersection of the meridian 70° west (Greenwich) with 52° south latitude, and thence westward along that parallel as far as the *divortia aquarum* of the Andes. The territory north of the above line shall belong to the Argentine Republic,

and south to Chile, without prejudice to the dispositions of article 3 relative to Tierra del Fuego and the adjacent islands.

ARTICLE 3. Tierra del Fuego is divided by a line starting from Cape Espiritu Santo at latitude $52^{\circ} 40'$ south, and following longitude $68^{\circ} 34'$ west (Greenwich) to Beagle Channel. Divided thus, Tierra del Fuego is Chilean to the west and Argentine to the east. In regard to the other islands, Isla de los Estados belongs to the Argentine Republic, with the islets next it, and the other islands in the Atlantic and east of Tierra del Fuego and the coasts of Patagonia; while to Chile belong all the islands south of Beagle Channel down to Cape Horn, and those west of Tierra del Fuego.

ARTICLE 4. The experts referred to in article 1 shall fix the lines indicated in the two preceding articles, and shall proceed in the same manner as therein described.

ARTICLE 5. Magellan's Straits are neutralized for ever, and free navigation is guaranteed to the flags of all nations. To insure this liberty and neutrality no fortifications or military defences shall be erected that could interfere with this object.

ARTICLE 6. The governments of the Chilean and Argentine Republics shall exercise full dominion for ever over the territories respectively assigned to them by the present arrangement. Any question unfortunately arising between the two countries, whether relative to this transaction or from any other cause, shall be submitted to the decision of a friendly power; the boundary limits of the present arrangement remaining unchangeable in any case.

ARTICLE 7. The ratifications of this treaty shall be exchanged within 60 days, or sooner if possible, and the exchange shall take place either in the city of Buenos Ayres or in that of Santiago de Chile.

In faith of which the plenipotentiaries of the Chilean and Argentine Republics have signed and sealed the present treaty, in duplicate, with their respective seals, in the city of Buenos Ayres, on the 23rd day of July, in the year of Our Lord 1881.

(L. S.) FRANCISCO B. DE ECHEVERRIA.

(L. S.) BERNADO DE IRIGOYEN.

CONVENTION RESPECTING THE FREE NAVIGATION OF THE SUEZ MARITIME
CANAL.

Signed at Constantinople, October 29, 1888.

In the Name of Almighty God, her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India; His Majesty the Emperor of Germany, King of Prussia; His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary; His Majesty the King of Spain, and in his name the Queen Regent of the Kingdom; the President of the French Republic; His Majesty the King of Italy; His Majesty the King of the Netherlands, Grand Duke of Luxemburg, etc.; His Majesty the Emperor of All the Russias; and His Majesty the Emperor of the Ottomans; wishing to establish, by a Conventional Act, a definite system destined to guarantee at all times, and for all the powers, the free use of the Suez Maritime Canal, and thus to complete the system under which the navigation of this canal has been placed by the Firman of His Imperial Majesty the Sultan, dated the 22nd February, 1866 (2 Zilkádé, 1282), and sanctioning the concessions of His Highness the Khedive, have named as their Plenipotentiaries, that is to say:—

(Here follow the names.)

Who, having communicated to each other their respective full powers, found in good and due form, have agreed upon the following articles:

ARTICLE 1. The Suez Maritime Canal shall always be free and open, in time of war as in time of peace, to every vessel of commerce or of war, without distinction of flag.

Consequently, the high contracting parties agree not in any way to interfere with the free use of the canal, in time of war as in time of peace.

The canal shall never be subjected to the exercise of the right of blockade.

ARTICLE 2. The high contracting parties, recognizing that the Fresh-Water Canal is indispensable to the Maritime Canal, take note of the engagements of His Highness the Khedive towards the Universal Suez Canal Company as regards the Fresh-Water Canal; which engagements are stipulated in a convention bearing date the 18th March, 1863, containing an *exposé* and four articles.

They undertake not to interfere in any way with the security of that

canal and its branches, the working of which shall not be exposed to any attempt at obstruction.

ARTICLE 3. The high contracting parties likewise undertake to respect the plant, establishments, buildings, and works of the Maritime Canal and of the Fresh-Water Canal.

ARTICLE 4. The Maritime Canal remaining open in time of war as a free passage, even to the ships of war of belligerents, according to the terms of article 1 of the present treaty, the high contracting parties agree that no right of war, no act of hostility, nor any act having for its object to obstruct the free navigation of the canal, shall be committed in the canal and its ports of access, as well as within a radius of three marine miles from those ports, even though the Ottoman Empire should be one of the belligerent powers.

Vessels of war of belligerents shall not revictual or take in stores in the canal and its ports of access, except in so far as may be strictly necessary. The transit of the aforesaid vessels through the canal shall be effected with the least possible delay, in accordance with the regulations in force, and without any other intermission than that resulting from the necessities of the service.

Their stay at Port Said and in the roadstead of Suez shall not exceed 24 hours, except in case of distress. In such case they shall be bound to leave as soon as possible. An interval of 24 hours shall always elapse between the sailing of a belligerent ship from one of the ports of access and the departure of a ship belonging to the hostile power.

ARTICLE 5. In time of war belligerent powers shall not disembark nor embark within the canal and its ports of access either troops, munitions, or materials of war. But in case of an accidental hindrance in the canal, men may be embarked or disembarked at the ports of access by detachments not exceeding 1,000 men, with a corresponding amount of war material.

ARTICLE 6. Prizes shall be subjected, in all respects, to the same rules as the vessels of war of belligerents.

ARTICLE 7. The powers shall not keep any vessel of war in the waters of the canal (including Lake Timsah and the Bitter Lakes).

Nevertheless, they may station vessels of war in the ports of access of Port Said and Suez, the number of which shall not exceed two for each power.

This right shall not be exercised by belligerents.

ARTICLE 8. The agents in Egypt of the signatory powers of the present treaty shall be charged to watch over its execution. In case of any event threatening the security or the free passage of the canal, they shall meet on the summons of three of their number under the presidency of their Doyen, in order to proceed to the necessary verifications. They shall inform the Khedival government of the danger which they may have perceived, in order that that government may take proper steps to insure the protection and the free use of the canal. Under any circumstances, they shall meet once a year to take note of the due execution of the treaty.

The last mentioned meetings shall take place under the presidency of a special commissioner nominated for that purpose by the Imperial Ottoman Government. A commissioner of the Khedive may also take part in the meeting, and may preside over it in case of the absence of the Ottoman commissioner.

They shall especially demand the suppression of any work or the dispersion of any assemblage on either bank of the canal, the object or effect of which might be to interfere with the liberty and the entire security of the navigation.

ARTICLE 9. The Egyptian government shall, within the limits of the powers resulting from the Firmans, and under the conditions provided for in the present treaty, take the necessary measures for insuring the execution of the said treaty.

In case the Egyptian government should not have sufficient means at its disposal, it shall call upon the Imperial Ottoman government, which shall take the necessary measures to respond to such appeal; shall give notice thereof to the signatory powers of the Declaration of London of the 17th March, 1885; and shall, if necessary, concert with them on the subject.

The provisions of articles 4, 5, 7, and 8 shall not interfere with the measures which shall be taken in virtue of the present article.

ARTICLE 10. Similarly, the provisions of articles 4, 5, 7, and 8, shall not interfere with the measures which His Majesty the Sultan and His Majesty the Khedive, in the name of His Imperial Majesty, and within the limits of the Firmans granted, might find it necessary to take for securing by their own forces the defence of Egypt and the maintenance of public order.

In case His Imperial Majesty the Sultan, or His Highness the Khedive, should find it necessary to avail themselves of the exceptions for which this article provides, the signatory powers of the Declaration of London shall be notified thereof by the Imperial Ottoman Government.

It is likewise understood that the provisions of the four articles aforesaid shall in no case occasion any obstacle to the measures which the Imperial Ottoman Government may think it necessary to take in order to insure by its own forces the defence of its other possessions situated on the eastern coast of the Red Sea.

ARTICLE 11. The measures which shall be taken in the cases provided for by articles 9 and 10 of the present treaty shall not interfere with the free use of the canal. In the same cases, the erection of permanent fortifications contrary to the provisions of article 8 is prohibited.

ARTICLE 12. The high contracting parties, by application of the principle of equality as regards the free use of the canal, a principle which forms one of the bases of the present treaty, agree that none of them shall endeavor to obtain with respect to the canal territorial or commercial advantages or privileges in any international arrangements which may be concluded. Moreover the rights of Turkey as the territorial power are reserved.

ARTICLE 13. With the exception of the obligations expressly provided by the clauses of the present treaty, the sovereign rights of His Imperial Majesty the Sultan, and the rights and immunities of His Highness the Khedive, resulting from the Firmans, are in no way affected.

ARTICLE 14. The high contracting parties agree that the engagements resulting from the present treaty shall not be limited by the duration of the acts of concession of the Universal Suez Canal Company.

ARTICLE 15. The stipulations of the present treaty shall not interfere with the sanitary measures in force in Egypt.

ARTICLE 16. The high contracting parties undertake to bring the present treaty to the knowledge of the states which have not signed it, inviting them to accede to it.

ARTICLE 17. The present treaty shall be ratified, and the ratifications shall be exchanged at Constantinople within the space of one month, or sooner if possible.

In faith of which the respective plenipotentiaries have signed the present treaty, and have affixed to it the seal of their arms.

Done at Constantinople, the 29th day of the month of October, in the year 1888.

For GREAT BRITAIN	(L. s.)	W. A. WHITE
GERMANY	(L. s.)	RADOWITZ
AUSTRIA-HUNGARY	(L. s.)	CALICE
SPAIN	(L. s.)	MIGUEL FLOREZ Y GARCIA
FRANCE	(L. s.)	G. DE MONTEBELLO
ITALY	(L. s.)	A. BLANC
NETHERLANDS	(L. s.)	GUS. KEUN
RUSSIA	(L. s.)	NÉLIDOW
TURKEY	(L. s.)	M. SAÏD

TREATY BETWEEN GREAT BRITAIN AND THE UNITED STATES TO FACILITATE THE CONSTRUCTION OF A SHIP CANAL (HAY-PAUNCEFOTE TREATY).

Concluded November 18, 1901.

The United States of America and His Majesty, Edward the Seventh, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, and Emperor of India, being desirous to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans, by whatever route may be considered expedient, and to that end to remove any objection which may arise out of the Convention of the 19th April, 1850, commonly called the *Clayton-Bulwer Treaty*, to the construction of such canal under the auspices of the Government of the United States, without impairing the "general principle" of neutralization established in Article VIII of that Convention, have for that purpose appointed as their Plenipotentiaries:

The President of the United States, John Hay, Secretary of State of the United States of America;

And His Majesty Edward the Seventh, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, and Emperor of India, the Right Honorable Lord Pauncefote, G. C. B., G. C. M. G., His Majesty's Ambassador Extraordinary and Plenipotentiary to the United States;

Who, having communicated to each other their full powers which were found to be in due and proper form, have agreed upon the following articles:—

ARTICLE 1.

The high contracting parties agree that the present treaty shall supersede the afore-mentioned convention of the 19th April, 1850.¹

ARTICLE 2.

It is agreed that the canal may be constructed under the auspices of the government of the United States, either directly at its own cost, or by gift or loan of money to individuals or corporations, or through subscription to or purchase of stock or shares, and that, subject to the provisions of the present treaty, the said government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

ARTICLE 3.

The United States adopts, as the basis of the neutralization of such ship canal, the following rules, substantially as embodied in the convention of Constantinople, signed the 29th October, 1888, for the free navigation of the Suez Canal, that is to say:

1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic, or otherwise. Such conditions and charges of traffic shall be just and equitable.

2. The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

3. Vessels of war of a belligerent shall not revictual nor take any stores in the canal except so far as may be strictly necessary; and the transit of such vessels through the canal shall be effected with the least possible delay in accordance with the regulations in force, and with only such intermission as may result from the necessities of the service.

Prizes shall be in all respects subject to the same rules as vessels of war of the belligerents.

¹ See page 110 of this Supplement.

4. No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal, except in case of accidental hindrance of the transit, and in such case the transit shall be resumed with all possible dispatch.

5. The provisions of this article shall apply to waters adjacent to the canal, within three marine miles of either end. Vessels of war of a belligerent shall not remain in such waters longer than twenty-four hours at any one time, except in case of distress, and in such case, shall depart as soon as possible; but a vessel of war of one belligerent shall not depart within twenty-four hours from the departure of a vessel of war of the other belligerent.

6. The plant, establishments, buildings, and all work necessary to the construction, maintenance, and operation of the canal shall be deemed to be part thereof, for the purposes of this treaty, and in time of war, as in time of peace, shall enjoy complete immunity from attack or injury by belligerents, and from acts calculated to impair their usefulness as part of the canal.

ARTICLE 4.

It is agreed that no change of territorial sovereignty or of the international relations of the country or countries traversed by the before-mentioned canal shall affect the general principle of neutralization or the obligation of the high contracting parties under the present treaty.

ARTICLE 5.

The present treaty shall be ratified by the president of the United States, by and with the advice and consent of the senate thereof, and by His Britannic Majesty; and the ratifications shall be exchanged at Washington or at London at the earliest possible time within six months from the date hereof.

In faith whereof the respective plenipotentiaries have signed this treaty and thereunto affixed their seals.

Done in duplicate at Washington, the 18th day of November, in the year of Our Lord one thousand nine hundred and one.

(Seal.)

JOHN HAY.

(Seal.)

PAUNCEFOTE.

CONVENTION BETWEEN THE UNITED STATES AND THE REPUBLIC OF
PANAMA FOR THE CONSTRUCTION OF A SHIP CANAL TO CONNECT THE
WATERS OF THE ATLANTIC AND PACIFIC OCEANS.

Signed at Washington, November 18, 1903.

The United States of America and the Republic of Panama being desirous to insure the construction of a ship canal across the Isthmus of Panama to connect the Atlantic and Pacific oceans, and the Congress of the United States of America having passed an act approved June 28, 1902, in furtherance of that object, by which the President of the United States is authorized to acquire within a reasonable time the control of the necessary territory of the Republic of Colombia, and the sovereignty of such territory being actually vested in the Republic of Panama, the high contracting parties have resolved for that purpose to conclude a convention and have accordingly appointed as their plenipotentiaries, —

The President of the United States of America, John Hay, Secretary of State, and

The Government of the Republic of Panama, Philippe Bunau-Varilla, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Panama, thereunto specially empowered by said government, who after communicating with each other their respective full powers, found to be in good and due form, have agreed upon and concluded the following articles:

ARTICLE I.

The United States guarantees and will maintain the independence of the Republic of Panama.

ARTICLE II.

The Republic of Panama grants to the United States in perpetuity the use, occupation and control of a zone of land and land under water for the construction, maintenance, operation, sanitation and protection of said canal of the width of ten miles extending to the distance of five miles on each side of the center line of the route of the canal to be constructed; the said zone beginning in the Caribbean Sea three marine miles from mean low water mark and extending to and across the Isthmus of Panama into the Pacific ocean to a distance of three marine miles from mean low water mark with the proviso that the

cities of Panama and Colon and the harbors adjacent to said cities, which are included within the boundaries of the zone above described, shall not be included within this grant. The Republic of Panama further grants to the United States in perpetuity the use, occupation and control of any other lands and waters outside of the zone above described which may be necessary and convenient for the construction, maintenance, operation, sanitation and protection of the said canal or of any auxiliary canals or other works necessary and convenient for the construction, maintenance, operation, sanitation and protection of the said enterprise.

The Republic of Panama further grants in like manner to the United States in perpetuity all islands within the limits of the zone above described and in addition thereto the group of small islands in the Bay of Panama, named Perico, Naos, Culebra and Flamenco.

ARTICLE III.

The Republic of Panama grants to the United States all the rights, power and authority within the zone mentioned and described in article II of this agreement and within the limits of all auxiliary lands and waters mentioned and described in said article II which the United States would possess and exercise if it were the sovereign of the territory within which said lands and waters are located to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power or authority.

ARTICLE IV.

As rights subsidiary to the above grants the Republic of Panama grants in perpetuity to the United States the right to use the rivers, streams, lakes and other bodies of water within its limits for navigation, the supply of water or water-power or other purposes, so far as the use of said rivers, streams, lakes and bodies of water and the waters thereof may be necessary and convenient for the construction, maintenance, operation, sanitation and protection of the said canal.

ARTICLE V.

The Republic of Panama grants to the United States in perpetuity a monopoly for the construction, maintenance and operation of any system of communication by means of canal or railroad across its territory between the Caribbean Sea and the Pacific ocean.

ARTICLE VI.

The grants herein contained shall in no manner invalidate the titles or rights of private land holders or owners of private property in the said zone or in or to any of the lands or waters granted to the United States by the provisions of any article of this treaty, nor shall they interfere with the rights of way over the public roads passing through the said zone or over any of the said lands or waters unless said rights of way or private rights shall conflict with rights herein granted to the United States in which case the rights of the United States shall be superior. All damages caused to the owners of private lands or private property of any kind by reason of the grants contained in this treaty or by reason of the operations of the United States, its agents or employees, or by reason of the construction, maintenance, operation, sanitation and protection of the said canal or of the works of sanitation and protection herein provided for, shall be appraised and settled by a joint commission appointed by the governments of the United States and the Republic of Panama, whose decisions as to such damages shall be final and whose awards as to such damages shall be paid solely by the United States. No part of the work on said canal or the Panama railroad or on any auxiliary works relating thereto and authorized by the terms of this treaty shall be prevented, delayed or impeded by or pending such proceedings to ascertain such damages. The appraisal of said private lands and private property and the assessment of damages to them shall be based upon their value before the date of this convention.

ARTICLE VII.

The Republic of Panama grants to the United States within the limits of the cities of Panama and Colon and their adjacent harbors and within the territory adjacent thereto the right to acquire by purchase or by the exercise of the right of eminent domain, any lands, buildings, water rights or other properties necessary and convenient for the construction, maintenance, operation and protection of the canal and of any works of sanitation, such as the collection and disposition of sewage and the distribution of water in the said cities of Panama and Colon, which, in the discretion of the United States may be necessary and convenient for the construction, maintenance, operation, sanitation and protection of the said canal and railroad. All such works of sanitation, collection and disposition of sewage and distribution of water in the

cities of Panama and Colon shall be made at the expense of the United States, and the government of the United States, its agents or nominees shall be authorized to impose and collect water rates and sewerage rates which shall be sufficient to provide for the payment of interest and the amortization of the principal of the cost of said works within a period of fifty years and upon the expiration of said term of fifty years the system of sewers and water works shall revert to and become the properties of the cities of Panama and Colon respectively, and the use of the water shall be free to the inhabitants of Panama and Colon, except to the extent that water rates may be necessary for the operation and maintenance of said system of sewers and water.

The Republic of Panama agrees that the cities of Panama and Colon shall comply in perpetuity with the sanitary ordinances whether of a preventive or curative character prescribed by the United States and in case the government of Panama is unable or fails in its duty to enforce this compliance by the cities of Panama and Colon with the sanitary ordinances of the United States the Republic of Panama grants to the United States the right and authority to enforce the same.

The same right and authority are granted to the United States for the maintenance of public order in the cities of Panama and Colon and the territories and harbors adjacent thereto in case the Republic of Panama should not be, in the judgment of the United States, able to maintain such order.

ARTICLE VIII.

The Republic of Panama grants to the United States all rights which it now has or hereafter may acquire to the property of the New Panama Canal Company and the Panama Railroad Company as a result of the transfer of sovereignty from the Republic of Colombia to the Republic of Panama over the Isthmus of Panama and authorizes the New Panama Canal Company to sell and transfer to the United States its rights, privileges, properties and concessions as well as the Panama Railroad and all the shares or part of the shares of that company; but the public lands situated outside of the zone described in article II of this treaty now included in the concessions to both said enterprises and not required in the construction or operation of the canal shall revert to the Republic of Panama except any property now owned by or in the possession of said companies within Panama or Colon or the ports or terminals thereof.

ARTICLE IX.

The United States agrees that the ports at either entrance of the canal and the waters thereof, and the Republic of Panama agrees that the towns of Panama and Colon shall be free for all time so that there shall not be imposed or collected custom house tolls, tonnage, anchorage, lighthouse, wharf, pilot, or quarantine dues or any other charges or taxes of any kind upon any vessel using or passing through the canal or belonging to or employed by the United States, directly or indirectly, in connection with the construction, maintenance, operation, sanitation and protection of the main canal, or auxiliary works, or upon the cargo, officers, crew, or passengers of any such vessels, except such tolls and charges as may be imposed by the United States for the use of the canal and other works, and except tolls and charges imposed by the Republic of Panama upon merchandise destined to be introduced for the consumption of the rest of the Republic of Panama, and upon vessels touching at the ports of Colon and Panama and which do not cross the canal.

The Government of the Republic of Panama shall have the right to establish in such ports and in the towns of Panama and Colon such houses and guards as it may deem necessary to collect duties on importations destined to other portions of Panama and to prevent contraband trade. The United States shall have the right to make use of the towns and harbors of Panama and Colon as places of anchorage, and for making repairs, for loading, unloading, depositing, or transshipping cargoes either in transit or destined for the service of the canal and for other works pertaining to the canal.

ARTICLE X.

The Republic of Panama agrees that there shall not be imposed any taxes, national, municipal, departmental, or of any other class, upon the canal, the railways and auxiliary works, tugs and other vessels employed in the service of the canal, store houses, work shops, offices, quarters for laborers, factories of all kinds, warehouses, wharves, machinery and other works, property, and effects appertaining to the canal or railroad and auxiliary works, or their officers or employees, situated within the cities of Panama and Colon, and that there shall not be imposed contributions or charges of a personal character of any kind upon officers, employees, laborers, and other individuals in the service of the canal and railroad and auxiliary works.

ARTICLE XI.

The United States agrees that the official dispatches of the government of the Republic of Panama shall be transmitted over any telegraph and telephone lines established for canal purposes and used for public and private business at rates not higher than those required from officials in the service of the United States.

ARTICLE XII.

The government of the Republic of Panama shall permit the immigration and free access to the lands and workshops of the canal and its auxiliary works of all employees and workmen of whatever nationality under contract to work upon or seeking employment upon or in any wise connected with the said canal and its auxiliary works, with their respective families, and all such persons shall be free and exempt from the military service of the Republic of Panama.

ARTICLE XIII.

The United States may import at any time into the said zone and auxiliary lands, free of custom duties, imposts, taxes, or other charges, and without any restrictions, any and all vessels, dredges, engines, cars, machinery, tools, explosives, materials, supplies, and other articles necessary and convenient in the construction, maintenance, operations, sanitation and protection of the canal and auxiliary works, and all provisions, medicines, clothing, supplies and other things necessary and convenient for the officers, employees, workmen and laborers in the service and employ of the United States and for their families. If any such articles are disposed of for use outside of the zone and auxiliary lands granted to the United States and within the territory of the Republic, they shall be subject to the same import or other duties as like articles imported under the laws of the Republic of Panama.

ARTICLE XIV.

As the price of compensation for the rights, powers and privileges granted in this convention by the Republic of Panama to the United States, the government of the United States agrees to pay to the Republic of Panama the sum of ten million dollars (\$10,000,000) in gold coin of the United States on the exchange of the ratification of this convention and also an annual payment during the life of this conven-

tion of two hundred and fifty thousand dollars (\$250,000) in like gold coin, beginning nine years after the date aforesaid.

The provisions of this article shall be in addition to all other benefits assured to the Republic of Panama under this convention.

But no delay or difference of opinion under this article or any other provisions of this treaty shall affect or interrupt the full operation and effect of this convention in all other respects.

ARTICLE XV.

The joint commission referred to in Article VI shall be established as follows:

The President of the United States shall nominate two persons and the President of the Republic of Panama shall nominate two persons and they shall proceed to a decision; but in case of disagreement of the commission (by reason of their being equally divided in conclusion) an umpire shall be appointed by the two governments who shall render the decision. In the event of the death, absence or incapacity of a commissioner or umpire, or of his omitting, declining or ceasing to act, his place shall be filled by the appointment of another person in the manner above indicated. All decisions by a majority of the commission or by the umpire shall be final.

ARTICLE XVI.

The two governments shall make adequate provision by future agreement for the pursuit, capture, imprisonment, detention and delivery within said zone and auxiliary lands to the authorities of the Republic of Panama of persons charged with the commitment of crimes, felonies or misdemeanors without said zone and for the pursuit, capture, imprisonment, detention and delivery without said zone to the authorities of the United States of persons charged with the commitment of crimes, felonies and misdemeanors within said zone and auxiliary lands.

ARTICLE XVII.

The Republic of Panama grants to the United States the use of all the ports of the Republic open to commerce as places of refuge for any vessels employed in the canal enterprise, and for all vessels passing or bound to pass through the canal which may be in distress and be driven to seek refuge in said ports. Such vessels shall be exempt from anchorage and tonnage dues on the part of the Republic of Panama.

ARTICLE XVIII.

The canal, when constructed, and the entrances thereto shall be neutral in perpetuity, and shall be opened upon the terms provided for by section I of article III of, and in conformity with all the stipulations of, the treaty entered into by the governments of the United States and Great Britain on November 18, 1901.¹

ARTICLE XIX.

The government of the Republic of Panama shall have the right to transport over the canal its vessels and its troops and munitions of war in such vessels at all times without paying charges of any kind. The exemption is to be extended to the auxiliary railway for the transportation of persons in the service of the Republic of Panama, or of the police force charged with the preservation of public order outside of said zone, as well as to their baggage, munitions of war and supplies.

ARTICLE XX.

If by virtue of any existing treaty in relation to the territory of the Isthmus of Panama, whereof the obligations shall descend or be assumed by the Republic of Panama, there may be any privilege or concession in favor of the government or the citizens and subjects of a third power relative to an interoceanic means of communication which in any of its terms may be incompatible with the terms of the present convention, the Republic of Panama agrees to cancel or modify such treaty in due form, for which purpose it shall give to the said third power the requisite notification within the term of four months from the date of the present convention, and in case the existing treaty contains no clause permitting its modifications or annulment, the Republic of Panama agrees to procure its modification or annulment in such form that there shall not exist any conflict with the stipulations of the present convention.

ARTICLE XXI.

The rights and privileges granted by the Republic of Panama to the United States in the preceding articles are understood to be free of all anterior debts, liens, trusts, or liabilities, or concessions or privileges to other governments, corporations, syndicates or individuals, and consequently, if there should arise any claims on account of the

¹ See page 127.

present concessions and privileges or otherwise, the claimants shall resort to the government of the Republic of Panama and not to the United States for any indemnity or compromise which may be required.

ARTICLE XXII.

The Republic of Panama renounces and grants to the United States the participation to which it might be entitled in the future earnings of the canal under article XV of the concessionary contract with Lucien N. B. Wyse now owned by the New Panama Canal Company and any and all other rights or claims of a pecuniary nature arising under or relating to said concession, or arising under or relating to the concessions to the Panama Railroad Company or any extension or modification thereof; and it likewise renounces, confirms and grants to the United States, now and hereafter, all the rights and property reserved in the said concessions which otherwise would be long to Panama at or before the expiration of the terms of ninety-nine years of the concessions granted to or held by the above mentioned party and companies, and all right, title and interest which it now has or may hereafter have, in and to the lands, canal, works, property and rights held by the said companies under said concessions or otherwise, and acquired or to be acquired by the United States from or through the New Panama Canal Company, including any property and rights which might or may in the future either by lapse of time, forfeiture or otherwise, revert to the Republic of Panama under any contracts or concessions, with said Wyse, the Universal Panama Canal Company, the Panama Railroad Company and the New Panama Canal Company.

The aforesaid rights and property shall be and are free and released from any present or reversionary interest in or claims of Panama and the title of the United States thereto upon consummation of the contemplated purchase by the United States from the New Panama Canal Company, shall be absolute, so far as concerns the Republic of Panama, excepting always the rights of the Republic specifically secured under this treaty.

ARTICLE XXIII.

If it should become necessary at any time to employ armed forces for the safety or protection of the canal, or of the ships that make use of the same, or the railways and auxiliary works, the United States shall have the right, at all times and in its discretion, to use its police and its land and naval forces or to establish fortifications for these purposes.

ARTICLE XXIV.

No change either in the Government or in the laws and treaties of the Republic of Panama shall, without the consent of the United States, affect any right of the United States under the present convention, or under any treaty stipulation between the two countries that now exists or may hereafter exist touching the subject matter of this convention.

If the Republic of Panama shall hereafter enter as a constituent into any other government or into any union or confederation of states, so as to merge her sovereignty or independence in such government, union or confederation, the rights of the United States under this convention shall not be in any respect lessened or impaired.

ARTICLE XXV.

For the better performance of the engagements of this convention and to the end of the efficient protection of the canal and the preservation of its neutrality, the Government of the Republic of Panama will sell or lease to the United States lands adequate and necessary for naval or coaling stations on the Pacific coast and on the western Caribbean coast of the Republic at certain points to be agreed upon with the President of the United States.

ARTICLE XXVI.

This convention when signed by the plenipotentiaries of the contracting parties shall be ratified by the respective governments and the ratifications shall be exchanged at Washington at the earliest date possible.

In faith whereof the respective plenipotentiaries have signed the present convention in duplicate and have hereunto affixed their respective seals.

Done at the city of Washington the 18th day of November in the year of our Lord nineteen hundred and three.

JOHN HAY. [SEAL]
P. BUNAU VARILLA. [SEAL]

NOTE OF THE SECRETARY OF STATE OF THE UNITED STATES CONCERNING
THE ANNEXATION OF THE KONGO BY BELGIUM.*January 11, 1909.*

SIR:

I have the honor to acknowledge the receipt of your note of the 4th of November last, transmitting a copy of the *Moniteur Belge* in which is published the law approving the treaty by which Belgium takes over the sovereignty of the Independent State of the Kongo, and stating the Belgium authorities in the Colony will hereafter transact business with consular officers, to whom new exequaturs will be issued if their governments so desire.

The Government of the United States has observed with much interest the progress of the negotiations looking to such a transfer, in the expectation that under the control of Belgium the condition of the natives might be beneficially improved and the engagements of the treaties to which the United States is a party, as well as the high aims set forth in the American memoranda of April 7¹ and 16, 1908, and declared in the Belgian replies thereto, might be fully realized.

The United States would also be gratified by the assurance that the Belgian Government will consider itself specifically bound to discharge the obligations assumed by the Independent State of the Kongo in the Brussels Convention of July 2, 1890,² an assurance which the expressions already made by the Government of Belgium in regard to its own course as a party to that convention leave no doubt is in entire accordance with the sentiments of that Government. Among the particular clauses of the Brussels Convention which seem to the United States to be specially relevant to existing conditions in the Kongo region are the clauses of Article II which include among the objects of the Convention, —

To diminish intestine wars between tribes by means of arbitration; to initiate them in agricultural labor and in the industrial arts so as to increase their welfare; to raise them to civilization and bring about the extinction of barbarous customs. * * *

To give aid and protection to commercial enterprises; to watch over their legality by especially controlling contracts for service with natives, and to prepare the way for the foundation of permanent centres of cultivation and of commercial settlements.

¹ See Supplement (January, 1909), Vol. 3, p. 94.

² See Supplement (January, 1909), Vol. 3, p. 29.

The United States has been forced to the conclusion that in several respects the system inaugurated by the Independent State of the Kongo has in its practical operation worked out results inconsistent with these conventional obligations and calling for very substantial and even radical changes in order to attain conformity therewith. The operation of laws requiring the natives who have little or no money to pay taxes in labor appears to have resulted in reducing the natives in certain large portions of the territory of the Independent State of the Kongo to a condition closely approximating actual slavery. The granting of concessions to various private corporations and associations giving to them exclusive rights of exploitation of very large tracts of territory, and the inclusion of a very great part of the remaining territory of the country in the domain declared to be owned in severalty, and described in various official acts as *domaine privé*, *domaine public*, *domaine national* and *domaine de la couronne*, has the practical effect of excluding the greater part of the territory of the State from the possibility of purchase and of rendering nugatory the provisions of the declaration of 1884³ under which the International Association of the Kongo granted "to foreigners settling in their territories the right to purchase, sell or lease lands and buildings situated therein, establish commercial houses and to there carry trade upon the sole condition that they shall obey the laws," and the similar provisions of the treaty of January 24, 1891,⁴ between the Independent State of the Kongo and the United States of America assuring to the citizens of the United States the right to freely exercise their industry or their business in the whole extent of the territories of the Independent State, and the right to erect there religious edifices and to organize and maintain missions, and the provisions of the Brussels Convention of July 2, 1890,⁵ imposing upon the Independent State of the Kongo the duty to prepare the way for the foundation of permanent stations of cultivation and of commercial settlements and to protect the missions which were then or might thereafter be established. The effect of these dispositions of territory has been to withdraw from sale and therefore from occupancy for the purposes described the greater part of the area of the Independent State and prevent the exercise of the rights conferred by the conventional stipulations referred to.

The effect of the same preemption of territory has also been to with-

³ See Supplement (January, 1909), Vol. 3, p. 5.

⁴ See Supplement (January, 1909), Vol. 3, p. 62.

⁵ See Supplement (January, 1909), Vol. 3, p. 29.

draw from the natives in a great degree the enjoyment of those benefits which they formerly derived from their customary tribal rights over large tracts. In a country where there has been no ownership of land in severalty by the natives, but only communal ownership of rights over extensive tracts, to allot to the Government and its concessionaires ownership in severalty to all the lands not already owned and held in severalty is in effect to deprive the natives of their rights to the soil, and this has been in a great measure the effect of the system which has been followed in the Independent State of the Kongo.

The Government of the United States is much gratified to know that since the American memoranda of April 7th and April 16th, 1908, the Government of Belgium has expressed its purpose to extend the area of the lands to be assigned to the natives for their cultivation and traffic pursuant to the Royal Decree of June 3, 1906, and it confidently expects that the restoration of land to the natives will be commensurate with the value of the communal rights of which they have been deprived hitherto, and will put the natives in a position by means of adequate provision out of their own territory to realize the benefits which were contemplated by the arrangement under which the title and control over the territory of the Independent State of the Kongo was vested in that State for the humanitarian purpose of improving the condition of the natives and securing to them the blessings of civilization.

It should always be remembered that the basis of the sovereignty of the Independent State of the Kongo over all its territory was in the treaties made by the native sovereigns who ceded the territory for the use and benefit of free states established and being established there under the care and supervision of the International Association so that the very nature of the title forbids the destruction of the tribal rights upon which it rests without securing to the natives an enjoyment of their land which shall be a full and adequate equivalent for the tribal rights destroyed.

It may be timely to revert in this relation to the hope expressed in the American memorandum of April 16, 1908, that the Belgian Government may see its way clear to accept frankly and promptly the proposition to refer to arbitration all purely commercial and economic questions, as being a procedure entirely in accordance with the rapidly growing practice of civilized nations; and to the statement in the Belgian memorandum in reply, dated July 24, 1908, that the Belgian Government finds no difficulty in declaring that if, after annexation, it were invited to refer

to the Tribunal of The Hague, as a last resort, a difference arising from a divergence of appreciation in the interpretation of the treaties which bind the States of the Kongo, it would examine the proposition with special benevolence and be inspired by the broad views which guided it in the drafting of the arbitration treaties concluded by Belgium.

The scope of this declaration would however seem to be abridged by the considerations which follow it in the Belgian memorandum-reply. These seem to limit the applicability of such eventual arbitration to questions under the collective Act of Berlin; to require the joining in the arbitration of other powers holding possessions in the Kongo basin; and to advocate, in place of a recourse to arbitration, the attainment of a direct understanding, for the settlement of disputes "in the commercial basin of the Kongo, among all the powers holding territories in that region." It is not to be lost sight of that the United States has a direct commercial interest in the particular territory of the Independent State of the Kongo by reason of its treaty with that State of January 24, 1891, which, besides pledging specified rights to commerce and intercourse, gives to the United States as well as to its citizens, the right to the treatment of the most favored nation. This consideration may seem to have been overlooked in the Belgian memorandum-reply, which, in conclusion, answers the expectation of the United States that, in virtue of its existing treaties, it will obtain all the privileges commercial and otherwise accorded in the Kongo to other nations, by the statement that "When it annexes the possession of the Independent State, Belgium will inherit its obligations as well as its rights; it will be able to fulfill all the engagements made with the United States by the declarations of April 22, 1884." It would be gratifying to the United States to know that the last clause of the statement just quoted is not intended to confine the rights of the United States in the Independent State to the declarations of the Commercial Association which preceded the creation of the Kongo State as a sovereign power, but includes the conventional rights conferred upon the United States by the treaty concluded with the Independent State immediately after its recognition.

In the absence of a fuller understanding on all these points, I confine myself for the present to acknowledging your note of the 4th of November last and taking note of the announcement therein made.

Be pleased to accept, Sir, the assurance of my high consideration.

ELIHU ROOT.

BARON MONCHEUR,
Minister of Belgium.

"POLITICAL OFFENCE" IN EXTRADITION TREATIES BETWEEN THE UNITED STATES AND OTHER COUNTRIES.¹

FRANCE. *Extradition of fugitives from justice.* November 9, 1843.

ARTICLE 5.

The provisions of the present convention shall not be applied in any manner to the crimes enumerated in the second article, committed anterior to the date thereof, nor to any crime or offence of a purely political character.

AUSTRIA-HUNGARY.² *Extradition.* July 3, 1856.

ARTICLE 1.

* * * The provisions of the present convention shall not be applied, in any manner, to the crimes enumerated in the first article, committed anterior to the date thereof; nor to any crime or offence of a political character.

HAITI. *Amity, commerce and navigation, and the extradition of criminals.* November 3, 1864.

ARTICLE 41.

The provisions of the foregoing articles relating to the extradition of fugitive criminals shall not apply to offences committed before the date hereof, nor to those of a political character. Neither of the contracting parties shall be bound to deliver up its own citizens under the provisions of this treaty.

TURKEY. *Extradition.* August 11, 1874.

ARTICLE 3.

The provisions of this treaty shall not apply to any crime or offense of a political character, and the person or persons delivered up for the crimes enumerated in the preceding article shall in no case be tried for any ordinary crime, committed previously to that for which his or their surrender is asked.

¹ See editorial comment, p. 459.

² There is a similar provision in the treaty with Baden, *Mutual surrender of criminals*, January 30, 1857, article 1.

ECUADOR. *Extradition.* June 28, 1872.

ARTICLE 3.

The stipulations of this treaty shall not be applicable to crimes or offences of a political character; and the person or persons delivered up, charged with the crimes specified in the foregoing article, shall not be prosecuted for any crime committed previously to that for which his or their extradition may be asked.

JAPAN. *Extradition of criminals.* April 29, 1886.

ARTICLE 4.

If it be made to appear that extradition is sought with a view to try or punish the person demanded for an offence of a political character, surrender shall not take place; nor shall any person surrendered be tried or punished for any political offence committed previously to his extradition, or for any offence other than that in respect of which the extradition is granted.

RUSSIA. *Extradition of criminals.* March 16/28, 1887.

ARTICLE 3.

If it be made to appear that extradition is sought with a view to try or punish the person demanded for an offense of a political character, surrender shall not take place; nor shall any person surrendered be tried or punished for any political offense committed previously to his extradition, nor for any offense other than that for which the extradition was granted; nor shall the surrender of any person be demanded for an offense committed prior to the date at which this convention shall take effect.

An attempt against the life of the head of either government, or against that of any member of his family, when such attempt comprises the act either of murder or assassination or of poisoning, or of accessori-ship thereto, shall not be considered a political offense or an act connected with such an offense.

NETHERLANDS. *Extradition of criminals.* June 2, 1887.

ARTICLE 3.

The provisions of this convention shall not apply to any crime or offence of a political character, nor to acts connected with such crimes or

offences; and no person surrendered under the provisions hereof shall in any case be tried or punished for a crime or offence of a political character, nor for any act connected therewith, committed previously to his extradition.

COLOMBIA. *Extradition of criminals.* May 7, 1888.

ARTICLE 5.

If it be made to appear that the extradition is sought with the view of trying or punishing the person demanded for an offense of a political character, surrender shall not take place; nor shall any person surrendered be tried or punished for a political offense, committed previously to extradition, or for any offense other than that for which extradition was granted.

NORWAY.³ *Extradition of criminals.* June 7, 1893.

ARTICLE 6.

A fugitive criminal shall not be surrendered if the offense in respect of which his surrender is demanded be of a political character, or if he proves that the requisition for his surrender has, in fact, been made with a view to try or punish him for an offense of a political character.

No person surrendered by either of the high contracting parties to the other shall be triable or tried, or be punished, for any political crime or offense, or for any act connected therewith, committed previously to his extradition.

If any question shall arise as to whether a case comes within the provisions of this article, the decision of the authorities of the government on which the demand for surrender is made, or which may have granted the extradition, shall be final.

ARGENTINE. *Extradition of criminals.* September 26, 1896.

ARTICLE 6.

Extradition will not be granted for a crime or offense of a political character nor for those connected therewith.

³ Similar provisions exist in treaties with: Denmark, *Extradition of fugitives from justice*, January 6, 1902, article 6; Peru, *Extradition of criminals*, November 28, 1899, article 6; Servia, *Mutual extradition of fugitives from justice*, October 25, 1901, article 6; Sweden, *Extradition of criminals*, January 14, 1893, article 6; Panama, *Mutual extradition of criminals*, May 25, 1904, article 6.

No person delivered up in virtue of this treaty can be tried, or punished, for a political crime or offense, nor for an act having connection therewith, committed before the extradition or surrender of such person.

In cases of doubt with relation to the present article, the decision of the judicial authorities of the country to which the demand for extradition is directed will be final.

BRAZIL. *Extradition of criminals.* May 14, 1897, and May 28, 1898.

ARTICLE 3.

Extradition shall not be granted if the offence on which the surrender is demanded be of a political character, or if the fugitive prove that there is an intention to try or punish him for a political crime; nor if the circumstances on which extradition is demanded are connected with political crimes.

The government from which extradition is demanded will examine the circumstances, to ascertain whether the crime be of a political character, and its decision shall be definite.

The following shall not be considered political crimes when they are unconnected with political movements, and are such as constitute murder, or wilful and illegal homicide, as provided for in section 1 of the preceding article:

1. An attempt against the life of the president of the United States of America, or against the life of the governor of any of the states; an attempt against the life of the president of the United States of Brazil, or against the life of the president or governor of any of the states thereof;

2. An attempt against the life of the vice-president of the United States of America, or against the life of the lieutenant-governor of any of the states; an attempt against the life of the vice-president of the United States of Brazil, or against the life of the vice president or vice governor of any of the states thereof.

MEXICO. *Treaty of Extradition.* February 22, 1899.

ARTICLE 3.

Extradition shall not take place in any of the following cases:

* * * * *

2. When the crime or offense charged shall be of a purely political character.

* * * * *

ARTICLE 7.

A person who has been surrendered on account of one of the crimes or offenses mentioned in article 2 shall in no case be prosecuted and punished in the country in which his or her extradition has been granted, on account of a political crime or offense committed by him or her previous to his or her extradition, or on account of an act connected with such a political crime or offense, unless he or she has been at liberty to leave the country for one month after having been tried, and, in case of condemnation, for one month after having suffered his or her punishment, or having been pardoned.

An attempt against the life of the head of the government shall not be considered a political offense.

BOLIVIA.⁴ *Extradition of fugitives from justice.* April 21, 1900.

ARTICLE 6.

A fugitive criminal shall not be surrendered if the offense in respect of which his surrender is demanded be of a political character, or if he proves that the requisition for his surrender has, in fact, been made with a view to try or punish him for an offense of a political character.

No person surrendered by either of the high contracting parties to the other shall be triable or tried, or be punished, for any political crime or offense, or for any act connected therewith, committed previously to his extradition.

If any question shall arise as to whether a case comes within the provisions of this article, the decision of the authorities of the government on which the demand for surrender is made, or which may have granted the extradition, shall be final.

SWITZERLAND. *Extradition of criminals.* May 14, 1900.

ARTICLE 7.

Extradition shall not be granted for political crimes or offenses. No person surrendered under the present treaty, for a common crime, shall be prosecuted or punished for a political offense committed before his extradition.

⁴ Similar provisions exist in treaties with: Chile, *Extradition of criminals*, April 17, 1900, article 6; Great Britain, *Extradition convention*, July 12, 1889, article 2.

If the question arises in a particular case, whether the offense committed is or is not of a political character, the authorities of the state upon which the demand is made shall decide.

BELGIUM. *Mutual extradition of fugitives from justice.* October 26, 1901.

ARTICLE 4.

The provisions of this convention shall not be applicable to persons guilty of any political crime or offence or of one connected with such a crime or offence. A person who has been surrendered on account of one of the common crimes or offences mentioned in article II shall consequently in no case be prosecuted and punished in the state to which his extradition has been granted on account of a political crime or offence committed by him previously to his extradition or on account of an act connected with such a political crime or offence, unless he has been at liberty to leave the country for one month after having been tried and, in case of condemnation, for one month after having suffered his punishment or having been pardoned.

An attempt against the life of the head of a foreign government or against that of any member of his family when such attempt comprises the act either of murder or assassination, or of poisoning, shall not be considered a political offence or an act connected with such an offence.

DENMARK.⁵ *Extradition of fugitives from justice.* January 6, 1902.

ARTICLE 6.

A fugitive criminal shall not be surrendered if the offense in respect of which his surrender is demanded be of a political character, or if he proves that the requisition for his surrender has, in fact, been made with a view to try or punish him for an offense of a political character.

No person surrendered by either of the high contracting parties to the other shall be triable or tried, or be punished for any political crime or offence, or for any act connected therewith, committed previously to his extradition.

An attempt against the life of the head of either government, or against that of any member of his family, when such attempt comprises

⁵ A similar provision exists in the treaty with Cuba, *Mutual extradition of fugitives from justice*, April 6, 1904, article 6.

the act either of murder or assassination, or of poisoning, shall not be considered a political offense or an act connected with such offense.

If any question shall arise as to whether a case comes within the provisions of this Article, the decision of the authorities of the government on which the demand for surrender is made, or which may have granted the extradition, shall be final.

GUATEMALA.* *Mutual extradition of fugitives from justice.* February 27, 1903.

ARTICLE 4.

The provisions of this convention shall not be applicable to persons guilty of any political crime or offense or of one connected with such a crime or offense. A person who has been surrendered on account of one of the common crimes or offenses mentioned in article II shall consequently in no case be prosecuted and punished in the state to which his extradition has been granted on account of a political crime or offense committed by him previously to his extradition, or on account of an act connected with such a political crime or offense, unless he has been at liberty to leave the country for one month after having been tried and, in case of condemnation, for one month after having suffered his punishment or having been pardoned.

An attempt against the life of the head of a foreign government or against that of any member of his family, when such attempt comprises the act either of murder or assassination, or of poisoning, shall not be considered a political offense or an act connected with such an offense.

SPAIN. *Extradition.* June 15, 1904.

ARTICLE 3.

(In its final form as amended by the protocol signed August 13, 1907.)

The provisions of this convention shall not import claim of extradition for any crime or offence of a political character, nor for acts connected with such crimes or offences; and no person surrendered by or to either of the contracting parties in virtue of this convention shall be tried or punished for a political crime or offence. When the offence charged comprises the act either of murder or assassination or of poisoning, either consummated or attempted, the fact that the offence was com-

* A similar provision exists in the treaty with Luxemburg, *Extradition of criminals*, October 29, 1883, article 4.

mitted or attempted against the life of the sovereign or head of a foreign state or against the life of any member of his family, shall not be deemed sufficient to sustain that such a crime or offence was of a political character, or was an act connected with crimes or offences of a political character.

HAITI. *Mutual extradition of criminals.* August 9, 1904.

ARTICLE 7.

The provisions of the present treaty shall not apply to offenses of a political character. The assassination or poisoning of the head of a government, or any other attempt against the life of the head of a government, shall not be considered as a crime of a political character.

A person whose extradition shall have been granted on account of one of the crimes mentioned in article II of this convention shall not, in any case, be tried for a political offense or for an act connected with a political offense committed prior to the demand for extradition, unless such person has had abundant opportunity to quit the country during the month following that in which he was set at liberty either as a result of acquittal, expiration of his sentence, or pardon.

NICARAGUA. *Extradition of criminals.* March 1, 1905.

ARTICLE 4.

The provisions of this convention shall not be applicable to persons guilty of any political crime of offense or of one connected with such a crime or offense. A person who has been surrendered on account of one of the common crimes or offenses mentioned in article II shall consequently in no case be prosecuted and punished in the state to which his extradition has been granted on account of a political crime or offense committed by him previously to his extradition, or on account of an act connected with such a political crime or offense, unless he has been at liberty to leave the country for one month after having been tried and, in case of condemnation, for one month after having suffered his punishment or having been pardoned.

URUGUAY. *Extradition.* March 11, 1905.

ARTICLE 3.

Political crimes and misdemeanors are expressly excepted from the present treaty.

A person whose surrender has been granted shall not in any case be either prosecuted or punished for any political crime or act connected therewith, committed previous to the extradition.

Neither shall he be prosecuted or punished for any crime committed previous to that on which the surrender is based, unless the nation of which the demand is made so grants.

If any question shall arise as to whether a case comes within the provisions of this article, the decision of the authorities of the government on which the demand for surrender is made, or which may have granted the extradition shall be final.

SAN MARINO. *Extradition.* January 10, 1906.

ARTICLE 4.

The provisions of this convention shall not be applicable to persons guilty of any political crime or offence or of one connected with such a crime or offence. A person who has been surrendered on account of one of the common crimes or offences mentioned in article II, shall consequently in no case be prosecuted and punished in the state to which his extradition has been granted on account of a political crime or offence committed by him previously to his extradition or on account of an act connected with such a political crime or offence, unless he has been at liberty to leave the country for one month after having been tried and, in case of condemnation, for one month after having suffered his punishment or having been pardoned.

PORTUGAL. *Extradition.* May 7. 1908.

ARTICLE 3.

(See page 163 of this Supplement.)

ARRANGEMENT BETWEEN THE UNITED STATES AND OTHER POWERS FOR
THE ESTABLISHMENT OF THE INTERNATIONAL OFFICE OF PUBLIC
HEALTH.

Signed at Rome, December 9, 1907; Ratified February 15, 1908;

Proclaimed, November 17, 1908.

The governments of Belgium, Brazil, Spain, the United States, the French Republic, Great Britain and Ireland, Italy, the Netherlands, Portugal, Russia, Switzerland, and the government of His Highness

the Khedive of Egypt, deeming it expedient to organize the International Office of Public Hygiene, referred to in the Paris Sanitary Convention of December 3, 1903, have resolved to conclude an arrangement to that effect and agreed upon the following:

ARTICLE I.

The high contracting parties engage to found and maintain an International Office of Public Hygiene with headquarters at Paris.

ARTICLE II.

The office will perform its functions under the authority and supervision of a committee composed of delegates of the contracting governments. The membership and rights and duties of the committee, as well as the organization and powers of the said office are determined by the organic by-laws which are annexed to the present arrangement and are considered as forming an integral part thereof.

ARTICLE III.

The costs of installation, as well as the annual expenses for the conduct and maintenance of the office shall be covered by the quotas of the contracting states determined in accordance with the provisions of the by-laws referred to in article II.

ARTICLE IV.

The sums representing the quotas of the several contracting states shall be deposited by the said states through the ministry of foreign affairs of the French Republic, at the beginning of every year in the "Caisse des dépôts et consignations" at Paris, from which they shall be drawn as needed against warrants of the director of the office.

ARTICLE V.

The high contracting parties reserve the right to make, by joint agreement, in the present arrangement any change of which the usefulness shall have been demonstrated by experience.

ARTICLE VI.

Governments that have not signed the present arrangement are, on their request, admitted to adhere thereto. Their adhesion shall be notified, through the diplomatic channel, to the royal government of Italy, and, by the latter, to the other contracting governments; it will imply a pledge to contribute to the payment of the expenses of the office in the manner referred to in article III.

ARTICLE VII.

The present arrangement shall be ratified and the ratifications shall be deposited at Rome as soon as possible; it shall be put into operation from the date on which the deposit of ratifications shall have been effected.

ARTICLE VIII.

The present arrangement is concluded for a term of seven years. At the expiration of that period, it shall continue in force for new periods of seven years between the states that shall not have notified, one year before the expiration of each period, their intention to terminate the effects so far as they are concerned.

In faith whereof the undersigned, duly empowered thereto, have drawn up the present arrangement to which they have affixed their seals.

Done at Rome, the ninth of December one thousand nine hundred and seven, in one copy which shall remain deposited in the archives of the royal government of Italy and duly certified copies thereof shall be delivered, through the diplomatic channel, to the contracting parties.

For Belgium:	E. BECO O. VELGHE
For Brazil:	Dr. EGYDIO DE SALLES GUERRA Dr. HENRIQUE DE ROCHA LIMA
For Spain:	MANUEL DE TOLOSA LATOUR PABLO SOLER
For the United States:	A. M. LAUGHLIN R. S. REYNOLDS HITT
For France:	CAMILLE BARRERE J. DE CAZOTTE ER. RONSSIN
For Great Britain:	THEODORE THOMSON B. FRANKLIN
For Italy:	ROCCO SANTOLIVIDO ADOLFO COTTA
For the Netherlands:	H. DE WEEDE
For Portugal:	M. DE CARVALHO E VASCONCELLOS
For Russia:	BARON KORFF
For Switzerland:	J. B. PIDDA
For Egypt:	IBRAHIM NEGUIB MARC ARMAND RUFFER

Annex.

ORGANIC BY-LAWS OF THE INTERNATIONAL OFFICE OF PUBLIC HYGIENE.

ARTICLE I.

There is established in Paris an International Office of Public Hygiene under the states which accept participation in its operation.

ARTICLE II.

The office cannot in any way meddle in the administration of the several states.

It is independent of the authorities of the country in which it is placed.

It corresponds directly with the higher health authorities of the several countries and with the boards of health.¹

ARTICLE III.

The government of the French Republic shall, on the application of the International Committee referred to in article VI, take such steps as may be requisite to have the office recognized as an institution of public utility.

ARTICLE IV.

The main object of the office is to collect and bring to the knowledge of the participating states facts and documents of a general character concerning public health and especially regarding infectious diseases, notably the cholera, plague and yellow fever, as well as the measures taken to check these diseases.

ARTICLE V.

The governments shall inform the office of the measures taken by them towards the enforcement of the international sanitary conventions.

ARTICLE VI.

The office is placed under the authority and supervision of an International Committee consisting of technical representatives designated

¹ It is understood that the phrase "Board of Health" applies to the Sanitary Councils of Alexandria, Constantinople, Tangier, Teheran and to any other councils that may be charged with the duty of enforcing International Sanitary Conventions.

by the participating states in the proportion of one representative for each state.

Each state is allowed a number of votes inversely proportioned to the number of the class to which it belongs as regards its participation in the expenses of the office. (See article XI.)

ARTICLE VII.

The committee of the office meets periodically at least once a year; the length of its sessions is unlimited.

The members of the committee elect, by secret ballot, a chairman whose term of office shall be three years.

ARTICLE VIII.

The business of the office is conducted by a salaried staff including:

A director;

A secretary general,

such force as may be necessary to perform the work of the office.

The personnel of the office shall not be permitted to fill any other salaried office.

The director and secretary general shall be appointed by the committee.

The director shall attend the meetings of the committee in an advisory capacity.

The appointment and dismissal of employes of all classes appertain to the director and shall be reported by him to the committee.

ARTICLE IX.

The information collected by the office shall be brought to the knowledge of the participant states by means of a bulletin or of special communications addressed to them either in regular course or at their request.

In addition, the office shall show periodically the results of its labors in official reports to be communicated to the participating governments.

ARTICLE X.

The bulletin, which shall be issued at least once a month, shall include especially:

1. The laws and general or local regulations promulgated in the several countries in regard to contagious diseases;

2. Information concerning the progress of infectious diseases;
3. Information concerning the work done or measures taken toward the sanitation of localities.
4. Statistics concerning public health.
5. Notices of publications.

The official language of the office and bulletin shall be the French language. The committee may order parts of the bulletin to be published in other languages.

ARTICLE XI.

The expenses necessary for the performance of the duties of the office, estimated at 150,000 francs per annum, shall be defrayed by the states signatory to the convention, their quotas being determined according to the following classes:

First class: Brazil, Spain, the United States, France, Great Britain, British India, Italy, Russia, at the rate of 25 units;

Second class, at the rate of 20 units;

Third class, Belgium, Egypt, the Netherlands, at the rate of 15 units;

Fourth class, Switzerland, at the rate of 10 units;

Fifth class, at the rate of 5 units;

Sixth class, at the rate of 3 units;

This sum of 150,000 francs cannot be exceeded except by consent of the signatory powers.

Every state is at liberty to have itself entered into a higher class at some future time.

The states that may hereafter adhere to the convention shall select the class in which they wish to be entered.

ARTICLE XII.

A sum intended to form a reserve fund shall be taken from the annual resources. The total sum of said reserve, which cannot exceed the amount of the annual budget, shall be invested in first class state securities.

ARTICLE XIII.

The members of the committee shall receive, out of the working funds of the office, an allowance for traveling and other expenses. They shall also receive an attendance counter for each meeting which they attend.

ARTICLE XIV.

The committee shall fix the amount to be set aside annually from its budget for a fund intended to secure a retirement pension for the office force.

ARTICLE XV.

The committee shall draw up its annual estimates and shall approve the account of expenditures. It shall make the organic regulations governing the personnel, as well as all the arrangements necessary for the performance of the duties of the office.

The regulations as well as the arrangements shall be reported by the committee to the participant states and cannot be modified without their assent.

ARTICLE XVI.

A statement of the financial management of the office shall be submitted annually to the participant States at the close of the fiscal year.

For Belgium:	E. BECO O. VELGHE
For Brazil:	Dr. EGYDIO DE SALLES GUERRA Dr. HENRIQUE DE ROCHA LIMA
For Spain:	MANUEL DE TOLOSA LATOUR PABLO SOLER
For the United States:	A. M. LAUGHLIN R. S. REYNOLDS HITT
For France:	CAMILLE BARRERE J. DE CAZOTTE ER. RONSSIN
For Great Britain:	THEODORE THOMSON B. FRANKLIN
For Italy:	ROCCO SANTOLIVIDO ADOLFO COTTA
For the Netherlands:	H. DE WEEDE
For Portugal:	M. DE CARVALHO E VASCONCELLOS
For Russia:	BARON KORFF
For Switzerland:	J. B. PIODA
For Egypt:	IBRAHIM NEGUIB MARC ARMAND RUFFER

**TREATY BETWEEN THE UNITED STATES AND PORTUGAL CONCERNING
NATURALIZATION.**

Signed at Washington, May 7, 1908.

The President of the United States of America and His Most Faithful Majesty the King of Portugal and of the Algarves, led by the wish to regulate the citizenship of those persons who emigrate from the United States of America to the territories of Portugal, and from the territories of Portugal to the United States of America, have resolved to treat on this subject, and have for that purpose appointed plenipotentiaries to conclude a convention, that is to say:

The President of the United States of America, Elihu Root, Secretary of State; and

His Most Faithful Majesty the King of Portugal and of the Algarves, Viscount de Alte, His Envoy Extraordinary and Minister Plenipotentiary near the government of the United States of America;

Who have agreed to and signed the following articles:

ARTICLE I.

Subjects of Portugal who become naturalized citizens of the United States of America and shall have resided uninterruptedly within the United States five years shall be held by Portugal to be American citizens and shall be treated as such. Reciprocally, citizens of the United States of America who become naturalized subjects of Portugal and shall have resided uninterruptedly within Portuguese territory five years shall be held by the United States to be Portuguese subjects and shall be treated as such.

ARTICLE II.

A recognized citizen of the one party on returning to the territory of the other remains liable to trial and punishment for an action punishable by the laws of his original country, and committed before his emigration, but not for the emigration itself, saving always the limitation established by the laws of his original country, and any other remission of liability to punishment.

The infraction of the legal provisions which in the country of origin regulate emigration shall not be held, for the purposes of this article, as pertaining to the emigration itself and, therefore, the transgressors of those provisions who return to the country of their origin are there liable to trial on account of any and whatever responsibility they may have incurred through such infraction.

ARTICLE III.

If a Portuguese subject naturalized in America, renews his residence in Portugal, without intent to return to America, he shall be held to have renounced his naturalization in the United States. Reciprocally, if an American naturalized in Portugal renews his residence in the United States, without intent to return to Portugal, he shall be held to have renounced his naturalization in Portugal.

The intent not to return may be held to exist when the person naturalized in one country resides more than two years in the other country.

ARTICLE IV.

The present convention is concluded for a period of five years, dating from the day of the exchange of its ratifications, but if neither party shall have given to the other six months previous notice of its intention to terminate the same, it shall continue in force till six months after one of the contracting parties shall have notified the other of its intention to do so.

The ratifications of the present convention shall be exchanged at Washington, as soon as possible.

In witness whereof, the respective plenipotentiaries have signed the above articles and have hereunto affixed their seals.

Done in duplicate at Washington this seventh day of May one thousand nine hundred and eight.

ELIHU ROOT. [SEAL]
ALTE. [SEAL]

CONVENTION BETWEEN THE UNITED STATES AND PORTUGAL CONCERNING
EXTRADITION.

Signed at Washington. May 7, 1908.

The United States of America and His Most Faithful Majesty the King of Portugal and of the Algarves, having judged it expedient, with a view to the better administration of justice and to the prevention of crimes within their respective territories and jurisdictions, that persons convicted of or charged with the crimes hereinafter specified, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up, have resolved to conclude a convention for that purpose, and have appointed as their Plenipotentiaries:

The President of the United States of America, Elihu Root, Secretary of State; and

His Most Faithful Majesty the King of Portugal and of the Algarves, Viscount de Alte, His Envoy Extraordinary and Minister Plenipotentiary near the Government of the United States of America;

Who, after reciprocal communication of their full powers, found in good and due form, have agreed upon the following articles, to wit:

ARTICLE I.

It is agreed that the government of the United States of America and the government of His Most Faithful Majesty the King of Portugal and of the Algarves shall, upon mutual requisition duly made as herein provided, deliver up to justice any person who may be charged with or may have been convicted of any of the crimes specified in article II of this convention committed within the jurisdiction of one of the contracting parties while said person was actually within such jurisdiction when the crime was committed, and who shall seek an asylum or shall be found within the territories of the other, provided that such surrender shall take place only upon such evidence of criminality, as according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial if the crime or offence had been there committed.

ARTICLE II.

Persons shall be delivered up according to the provisions of this convention, who shall have been charged with or convicted of any of the following crimes:

1. Murder, comprehending the crimes designated by the terms of parricide, assassination, manslaughter, when voluntary; poisoning or infanticide.
2. The attempt to commit murder.
3. Rape, abortion, carnal knowledge of children under the age of twelve years.
4. Bigamy.
5. Arson.
6. Willful and unlawful destruction or obstruction of railroads, which endangers human life.
7. Crimes committed at sea:
 - (a) Piracy, as commonly known and defined by the law of nations, or by statute.

(b) Wrongfully sinking or destroying a vessel at sea or attempting to do so.

(c) Mutiny or conspiracy by two or more members of the crew or other persons on board of a vessel on the high seas, for the purpose of rebelling against the authority of the captain or commander of such vessel, or by fraud or violence taking possession of such vessel.

(d) Assault on board ships upon the high seas with intent to do bodily harm.

8. Burglary, defined to be the act of breaking into and entering the house of another in the night time with intent to commit a felony therein.

9. The act of breaking into and entering the offices of the government and public authorities, or the offices of banks, banking houses, saving banks, trust companies, insurance companies, or other buildings not dwellings with intent to commit a felony therein.

10. Robbery, defined to be the act of feloniously and forcibly taking from the person of another, goods or money by violence or by putting him in fear.

11. Forgery or the utterance of forged papers.

12. The forging or falsification of the official acts of the government or public authority, including courts of justice, or the uttering or fraudulent use of any of the same.

13. The fabrication of counterfeit money, whether coin or paper, counterfeit titles or coupons of public debt, created by national, state, provincial, territorial, local or municipal governments, banknotes or other instruments of public credit, counterfeit seals, stamps, dies and marks of state or public administrations, and the utterance, circulation or fraudulent use of the above mentioned objects.

14. Embezzlement or criminal malversation committed within the jurisdiction of one or the other party by public officers or depositaries, where the amount embezzled exceeds two hundred dollars or the equivalent in Portuguese currency.

15. Embezzlement by any person or persons hired, salaried or employed, to the detriment of their employers or principals, when the crime or offense is punishable by imprisonment or other corporal punishment by the laws of both countries, and where the amount embezzled exceeds two hundred dollars or the equivalent in Portuguese currency.

16. Kidnapping of minors or adults, defined to be the abduction or detention of a person or persons, in order to exact money from them or their families, or for any other unlawful end.

17. Larceny, defined to be the theft of effects, personal property, or money, of the value of twenty-five dollars or more, or the equivalent in Portuguese currency.

18. Obtaining money, valuable securities or other property by false pretences or receiving any money, valuable securities or other property knowing the same to have been unlawfully obtained, where the amount of money or the value of the property so obtained or received exceeds two hundred dollars or the equivalent in Portuguese currency.

19. Perjury or subornation of perjury.

20. Fraud or breach of trust by a bailee, banker, agent, factor, trustee, executor, administrator, guardian, director or officer of any company or corporation, or by anyone in any fiduciary position, where the amount of money or the value of the property misappropriated exceeds two hundred dollars or the equivalent in Portuguese currency.

21. Crimes and offences against the laws of both countries for the suppression of slavery and slave trading.

22. The extradition is also to take place for the participation in any of the aforesaid crimes as an accessory before or after the fact, provided such participation be punishable by imprisonment by the laws of both contracting parties.

ARTICLE III.

The provisions of this convention shall not import claim of extradition for any crime or offence of a political character, nor for acts connected with such crimes or offences; and no person surrendered by or to either of the contracting parties in virtue of this convention shall be tried or punished for a political crime or offence. When the offence charged comprises the act either of murder or assassination or of poisoning, either consummated or attempted, the fact that the offence was committed or attempted against the life of the sovereign or head of a foreign state or against the life of any member of his family, shall not be deemed sufficient to sustain that such a crime or offence was of a political character, or was an act connected with crimes or offences of a political character.

ARTICLE IV.

No person shall be tried for any crime or offence other than that for which he was surrendered.

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ARTICLE V.

A fugitive, accused or criminal, shall not be surrendered under the provisions hereof, when, from lapse of time or other lawful cause, according to the laws of the place within the jurisdiction of which the crime was committed, the criminal is exempt from prosecution or punishment for the offence for which the surrender is asked.

ARTICLE VI.

If a fugitive, accused or criminal, whose surrender may be claimed pursuant to the stipulations hereof, be actually under prosecution, out on bail or in custody, for a crime or offence committed in the country where he has sought asylum, or shall have been convicted thereof, his extradition may be deferred until such proceedings be determined, and until he shall have been set at liberty in due course of law.

ARTICLE VII.

If a fugitive, accused or criminal, claimed by one of the parties hereto, shall be also claimed by one or more powers pursuant to treaty provisions, on account of crimes committed within their jurisdiction, such criminal shall be delivered to that state whose demand is first received.

ARTICLE VIII.

Under the stipulations of this convention, neither of the contracting parties shall be bound to deliver up its own citizens or subjects.

ARTICLE IX.

The expense of the arrest, detention, examination and transportation of the accused or criminal shall be paid by the Government which has preferred the demand for extradition.

ARTICLE X.

Everything found in the possession of the fugitive, accused or criminal, at the time of his arrest, whether being the proceeds of the crime or offence, or which may be material as evidence in making proof of the crime, shall so far as practicable, according to the laws of either of the contracting parties, be delivered up with his person at the time of the surrender. Nevertheless, the rights of a third party with regard to the articles aforesaid shall be duly respected.

ARTICLE XI.

The stipulations of this convention shall be applicable to all territory wherever situated, belonging to either of the contracting parties or in the occupancy and under the control of either of them, during such occupancy or control.

Requisitions for the surrender of fugitives from justice shall be made by the respective diplomatic agents of the contracting parties. In the event of the absence of such agents from the country or its seat of government, or where extradition is sought from a colonial possession of Portugal or from territory, included in the preceding paragraph, other than the United States, requisition may be made by superior consular officers.

It shall be competent for such diplomatic or superior consular officers to ask and obtain a mandate or preliminary warrant of arrest for the person whose surrender is sought, whereupon the judges and magistrates of the two governments shall respectively have power and authority, upon complaint made under oath, to issue a warrant for the apprehension of the person charged, in order that he or she may be brought before such judge or magistrate, that the evidence of criminality may be heard and considered; and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or magistrate to certify the same to the proper executive authority, that a warrant may issue for the surrender of the fugitive.

If the fugitive criminal shall have been convicted of the crime for which his surrender is asked, a copy of the sentence of the court before which such conviction took place, duly authenticated, shall be produced. If, however, the fugitive is merely charged with crime, a duly authenticated copy of the warrant of arrest in the country where the crime was committed, and of the depositions upon which such warrant may have been issued, shall be produced, with such other evidence or proof as may be deemed competent in the case.

ARTICLE XII.

If when a person accused shall have been arrested in virtue of the mandate or preliminary warrant of arrest, issued by the competent authority as provided in article XI hereof, and been brought before a judge or a magistrate to the end that the evidence of his or her guilt may be heard and examined as hereinbefore provided, it shall appear that the mandate or preliminary warrant of arrest has been issued in pursuance of a request or declaration received by telegraph from the

government asking for the extradition, it shall be competent for the judge or magistrate at his discretion to hold the accused for a period not exceeding two months, so that the demanding government may have opportunity to lay before such judge or magistrate legal evidence of the guilt of the accused, and if at the expiration of the said period of two months such legal evidence shall not have been produced before such judge or magistrate, the person arrested shall be released, provided that the examination of the charges preferred against such accused person shall not be actually going on.

ARTICLE XIII.

In every case of a request made by either of the two contracting parties for the arrest, detention or extradition of fugitives, criminal or accused, the legal officers or fiscal ministry of the country where the proceedings of extradition are had shall assist the officers of the government demanding the extradition before the respective judges and magistrates, by every legal means within their or its power; and no claim whatever for compensation for any of the services so rendered shall be made against the government demanding the extradition, provided, however, that any officer or officers of the surrendering government so giving assistance, who shall, in the usual course of their duty, receive no salary or compensation other than specific fees for services performed, shall be entitled to receive from the government demanding the extradition the customary fees for the acts or services performed by them, in the same manner and to the same amount as though such acts or services had been performed in ordinary criminal proceedings under the laws of the country of which they are officers.

ARTICLE XIV.

This convention shall take effect from the day of the exchange of the ratification thereof; but either contracting party may at any time terminate the same on giving to the other six months' notice of its intention to do so.

The ratifications of the present convention shall be exchanged at Washington as soon as possible.

In witness whereof the respective plenipotentiaries have signed the above articles, and have hereunto affixed their seals.

Done in duplicate at the city of Washington, this 7th day of May, one thousand nine hundred and eight.

ELIHU ROOT. [L. S.]
ALTE. [L. S.]

NOTES CONCERNING THE DEATH PENALTY EXCHANGED BETWEEN THE
PORTUGUESE MINISTER AND THE SECRETARY OF STATE AT THE TIME
OF SIGNATURE OF THE EXTRADITION CONVENTION BETWEEN THE UNITED
STATES AND PORTUGAL.

PORTUGUESE LEGATION,
Washington, May 7, 1908.

The undersigned Envoy Extraordinary and Minister Plenipotentiary of His Most Faithful Majesty the King of Portugal and the Algarves has the honor to inform the Secretary of State of the United States that he has been instructed by His Excellency the Minister for Foreign Affairs of Portugal to place on record on behalf of the Portuguese government, with reference to the Extradition Treaty which the Secretary of State and the undersigned have just signed, its understanding that the government of the United States assures that the death penalty will not be enforced against criminals delivered by Portugal to the United States for any of the crimes enumerated in the said treaty, and that such assurance is, in effect, to form part of the treaty and will be so mentioned in the ratifications of the treaty.

VISCONDE DE ALTE.

HIS EXCELLENCY, ELIHU ROOT,
Secretary of State of the United States.

DEPARTMENT OF STATE,
Washington, May, 7, 1908.

In signing to-day with the Envoy Extraordinary and Minister Plenipotentiary of His Most Faithful Majesty the King of Portugal and of the Algarves the extradition treaty which was negotiated between the Government of the United States and that of Portugal, the undersigned Secretary of State has the honor to acknowledge and to take cognizance of the Minister's note of this day's date stating that he has been instructed by His Excellency the Minister for Foreign Affairs of Portugal to place on record, on behalf of the Portuguese government, its understanding that the government of the United States assures that the death penalty will not be enforced against criminals delivered by Portugal to the United States for any of the crimes enumerated in the said treaty, and that such assurance is, in effect, to form part of the treaty and will be so mentioned in the ratifications of the treaty.

In order to make this assurance in the most effective manner possible, it is agreed by the United States that no person charged with crime shall

be extraditable from Portugal upon whom the death penalty can be inflicted for the offense charged by the laws of the jurisdiction in which the charge is pending.

This agreement on the part of the United States will be mentioned in the ratifications of the treaty and will in effect form part of the treaty.

ELIHU ROOT.

VISCONDE DE ALTE,
Minister of Portugal.

SPECIAL AGREEMENT FOR THE SUBMISSION OF QUESTIONS RELATING TO
FISHERIES ON THE NORTH ATLANTIC COAST UNDER THE GENERAL
TREATY OF ARBITRATION CONCLUDED BETWEEN THE UNITED STATES
AND GREAT BRITAIN ON THE 4TH DAY OF APRIL, 1908.

January 27, 1909.

ARTICLE I.

Whereas, by article I of the convention signed at London on the 20th day of October, 1818, between the United States and Great Britain, it was agreed as follows:

"Whereas differences have arisen respecting the liberty claimed by the United States for the inhabitants thereof, to take, dry and cure fish on certain coasts, bays, harbours and creeks of His Britannic Majesty's dominions in America, it is agreed between the high contracting parties, that the inhabitants of the said United States, shall have forever, in common with the subjects of His Britannic Majesty, the liberty to take Fish of every kind on that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau Islands, on the western and northern coast of Newfoundland, from the said Cape Ray to the Quirpon Islands on the shores of the Magdalen Islands, and also on the coasts, bays, harbours, and creeks from Mount Joly on the southern coast of Labrador, to and through the Straits of Belleisle and thence northwardly indefinitely along the coast, without prejudice however, to any of the exclusive rights of the Hudson Bay Company; and that the American fishermen shall also have liberty forever, to dry and cure fish in any of the unsettled bays, harbours, and creeks of the southern part of the coast of Newfoundland hereabove described, and of the coast of Labrador; but so soon as the

same, or any portion thereof, shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such portion so settled, without previous agreement for such purpose with the inhabitants, proprietors, or possessors of the ground. — And the United States hereby renounce forever, any liberty heretofore enjoyed or claimed by the inhabitants thereof, to take, dry, or cure fish on, or within three marine miles of any of the coasts, bays, creeks, or harbours of His Britannic Majesty's dominions in America not included within the above mentioned limits; provided, however, that the American fishermen shall be admitted to enter such bays or harbours for the purpose of shelter and of repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever. But they shall be under such restrictions as may be necessary to prevent their taking, drying or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved to them."

And, whereas, differences have arisen as to the scope and meaning of the said article, and of the liberties therein referred to, and otherwise in respect of the rights and liberties which the inhabitants of the United States have or claim to have in the waters or on the shores therein referred to:

It is agreed that the following questions shall be submitted for decision to a tribunal of arbitration constituted as hereinafter provided:

Question 1. To what extent are the following contentions or either of them justified?

It is contended on the part of Great Britain that the exercise of the liberty to take fish referred to in the said article, which the inhabitants of the United States have forever in common with the subjects of His Britannic Majesty, is subject, without the consent of the United States, to reasonable regulation by Great Britain, Canada, or Newfoundland in the form of municipal laws, ordinances, or rules, as, for example, to regulations in respect of (1) the hours, days, or seasons when fish may be taken on the treaty coasts; (2) the method, means, and implements to be used in the taking of fish or in the carrying on of fishing operations on such coasts; (3) any other matters of a similar character relating to fishing; such regulations being reasonable, as being, for instance —

(a) Appropriate or necessary for the protection and preservation of such fisheries and the exercise of the rights of British subjects therein and of the liberty which by the said article I the inhabitants of the United States have therein in common with British subjects;

- (b) Desirable on grounds of public order and morals;
- (c) Equitable and fair as between local fishermen and the inhabitants of the United States exercising the said treaty liberty and not so framed as to give unfairly an advantage to the former over the latter class.

It is contended on the part of the United States that the exercise of such liberty is not subject to limitations or restraints by Great Britain, Canada, or Newfoundland in the form of municipal laws, ordinances, or regulations in respect of (1) the hours, days, or seasons when the inhabitants of the United States may take fish on the treaty coasts, or (2) the method, means, and implements used by them in taking fish or in carrying on fishing operations on such coasts, or (3) any other limitations or restraints of similar character —

(a) Unless they are appropriate and necessary for the protection and preservation of the common rights in such fisheries and the exercise thereof; and

(b) Unless they are reasonable in themselves and fair as between local fishermen and fishermen coming from the United States, and not so framed as to give an advantage to the former over the latter class; and

(c) Unless their appropriateness, necessity, reasonableness, and fairness be determined by the United States and Great Britain by common accord and the United States concurs in their enforcement.

Question 2. Have the inhabitants of the United States, while exercising the liberties referred to in said article, a right to employ as members of the fishing crews of their vessels persons not inhabitants of the United States?

Question 3. Can the exercise by the inhabitants of the United States of the liberties referred to in the said article be subjected, without the consent of the United States, to the requirements of entry or report at custom-houses or the payment of light or harbor or other dues, or to any other similar requirement or condition or exaction?

Question 4. Under the provision of the said article that the American fishermen shall be admitted to enter certain bays or harbors for shelter, repairs, wood, or water, and for no other purpose whatever, but that they shall be under such restrictions as may be necessary to prevent their taking, drying, or curing fish therein or in any other manner whatever abusing the privileges thereby reserved to them, is it permissible to impose restrictions making the exercise of such privileges conditional upon the payment of light or harbor or other dues, or entering or reporting at custom-houses or any similar conditions?

Question 5. From where must be measured the "three marine miles of any of the coasts, bays, creeks, or harbors" referred to in the said article?

Question 6. Have the inhabitants of the United States the liberty under said article or otherwise, to take fish in the bays, harbors, and creeks on that part of the southern coast of Newfoundland which extends from Cape Ray to Rameau Islands, or on the western and northern coasts of Newfoundland from Cape Ray to Quirpon Islands, or on the Magdalen Islands?

Question 7. Are the inhabitants of the United States whose vessels resort to the treaty coasts for the purpose of exercising the liberties referred to in article I of the treaty of 1818 entitled to have for those vessels, when duly authorized by the United States in that behalf, the commercial privileges on the treaty coasts accorded by agreement or otherwise to United States trading vessels generally?

ARTICLE II.

Either party may call the attention of the tribunal to any legislative or executive act of the other party, specified within three months of the exchange of notes enforcing this agreement, and which is claimed to be inconsistent with the true interpretation of the treaty of 1818; and may call upon the tribunal to express in its award its opinion upon such acts, and to point out in what respects, if any, they are inconsistent with the principles laid down in the award in reply to the preceding questions; and each party agrees to conform to such opinion.

ARTICLE III.

If any question arises in the arbitration regarding the reasonableness of any regulation or otherwise which requires an examination of the practical effect of any provisions in relation to the conditions surrounding the exercise of the liberty of fishery enjoyed by the inhabitants of the United States, or which requires expert information about the fisheries themselves, the tribunal may, in that case, refer such question to a commission of three experts specialists in such matters; one to be designated by each of the parties hereto, and the third, who shall not be a national of either party, to be designated by the tribunal. This commission shall examine into and report their conclusions on any question or questions so referred to it by the tribunal and such report shall be considered by the tribunal and shall, if incorporated by them in the award, be accepted as a part thereof.

Pending the report of the commission upon the question or questions so referred and without awaiting such report, the tribunal may make a separate award upon all or any other questions before it, and such separate award, if made, shall become immediately effective, provided that the report aforesaid shall not be incorporated in the award until it has been considered by the tribunal. The expenses of such commission shall be borne in equal moieties by the parties hereto.

ARTICLE IV.

The tribunal shall recommend for the consideration of the high contracting parties rules and a method of procedure under which all questions which may arise in the future regarding the exercise of the liberties above referred to may be determined in accordance with the principles laid down in the award. If the high contracting parties shall not adopt the rules and method of procedure so recommended, or if they shall not, subsequently to the delivery of the award, agree upon such rules and methods, then any difference which may arise in the future between the high contracting parties relating to the interpretation of the treaty of 1818 or to the effect and application of the award of the tribunal shall be referred informally to the permanent court at The Hague for decision by the summary procedure provided in chapter IV of The Hague Convention of the 18th of October, 1907.

ARTICLE V.

The tribunal of arbitration provided for herein shall be chosen from the general list of members of the Permanent Court at The Hague, in accordance with the provisions of article XLV of the convention for the settlement of international disputes, concluded at the Second Peace Conference at The Hague on the 18th of October, 1907. The provisions of said convention, so far as applicable and not inconsistent herewith, and excepting Articles LIII and LIV, shall govern the proceedings under the submission herein provided for.

The time allowed for the direct agreement of the President of the United States and His Britannic Majesty on the composition of such tribunal shall be three months.

ARTICLE VI.

The pleadings shall be communicated in the order and within the time following:

As soon as may be and within a period not exceeding seven months from the date of the exchange of notes making this agreement binding the printed case of each of the parties hereto, accompanied by printed copies of the documents, the official correspondence, and all other evidence on which each party relies, shall be delivered in duplicate (with such additional copies as may be agreed upon) to the agent of the other party. It shall be sufficient for this purpose if such case is delivered at the British Embassy at Washington or at the American Embassy at London, as the case may be, for transmission to the agent for its Government.

Within fifteen days thereafter such printed case and accompanying evidence of each of the parties shall be delivered in duplicate to each member of the tribunal, and such delivery may be made by depositing within the stated period the necessary number of copies with the International Bureau at The Hague for transmission to the arbitrators.

After the delivery on both sides of such printed case, either party may, in like manner, and within four months after the expiration of the period above fixed for the delivery to the agents of the case, deliver to the agent of the other party (with such additional copies as may be agreed upon), a printed counter-case accompanied by printed copies of additional documents, correspondence, and other evidence in reply to the case, documents, correspondence, and other evidence so presented by the other party, and within fifteen days thereafter such party shall, in like manner as above provided, deliver in duplicate such counter-case and accompanying evidence to each of the arbitrators.

The foregoing provisions shall not prevent the tribunal from permitting either party to rely at the hearing upon documentary or other evidence which is shown to have become open to its investigation or examination or available for use too late to be submitted within the period hereinabove fixed for the delivery of copies of evidence, but in case any such evidence is to be presented, printed copies of it, as soon as possible after it is secured, must be delivered, in like manner as provided for the delivery of copies of other evidence, to each of the arbitrators and to the agent of the other party. The admission of any such additional evidence, however, shall be subject to such conditions as the tribunal may impose, and the other party shall have a reasonable opportunity to offer additional evidence in rebuttal.

The tribunal shall take into consideration all evidence which is offered by either party.

ARTICLE VII.

If in the case or counter-case (exclusive of the accompanying evidence) either party shall have specified or referred to any documents, correspondence, or other evidence in its own exclusive possession without annexing a copy, such party shall be bound, if the other party shall demand it within thirty days after the delivery of the case or counter-case respectively, to furnish to the party applying for it a copy thereof; and either party may, within the like time, demand that the other shall furnish certified copies or produce for inspection the originals of any documentary evidence adduced by the party upon whom the demand is made. It shall be the duty of the party upon whom any such demand is made to comply with it as soon as may be, and within a period not exceeding fifteen days after the demand has been received. The production for inspection or the furnishing to the other party of official governmental publications, publishing, as authentic, copies of the documentary evidence referred to, shall be a sufficient compliance with such demand, if such governmental publications shall have been published prior to the 1st day of January, 1908. If the demand is not complied with, the reasons for the failure to comply must be stated to the tribunal.

ARTICLE VIII.

The tribunal shall meet within six months after the expiration of the period above fixed for the delivery to the agents of the case, and upon the assembling of the tribunal at its first session each party, through its agent or counsel, shall deliver in duplicate to each of the arbitrators and to the agent and counsel of the other party (with such additional copies as may be agreed upon) a printed argument showing the points and referring to the evidence upon which it relies.

The time fixed by this agreement for the delivery of the case, counter-case, or argument, and for the meeting of the tribunal, may be extended by mutual consent of the parties.

ARTICLE IX.

The decision of the tribunal shall, if possible, be made within two months from the close of the arguments on both sides, unless on the request of the tribunal the parties shall agree to extend the period.

It shall be made in writing, and dated and signed by each member of the tribunal, and shall be accompanied by a statement of reasons.

A member who may dissent from the decision may record his dissent when signing.

The language to be used throughout the proceedings shall be English.

ARTICLE X.

Each party reserves to itself the right to demand a revision of the award. Such demand shall contain a statement of the grounds on which it is made and shall be made within five days of the promulgation of the award, and shall be heard by the tribunal within ten days thereafter. The party making the demand shall serve a copy of the same on the opposite party, and both parties shall be heard in argument by the tribunal on said demand. The demand can only be made on the discovery of some new fact or circumstance calculated to exercise a decisive influence upon the award and which was unknown to the tribunal and to the party demanding the revision at the time the discussion was closed, or upon the ground that the said award does not fully and sufficiently, within the meaning of this agreement, determine any question or questions submitted. If the tribunal shall allow the demand for a revision, it shall afford such opportunity for further hearings and arguments as it shall deem necessary.

ARTICLE XI.

The present agreement shall be deemed to be binding only when confirmed by the two governments by an exchange of notes.

In witness whereof this agreement has been signed and sealed by the Secretary of State of the United States, Elihu Root, on behalf of the United States, and by His Britannic Majesty's Ambassador at Washington, The Right Honorable James Bryce, O. M., on behalf of Great Britain.

Done at Washington on the 27th day of January, one thousand nine hundred and nine.

(Signed) ELIHU ROOT.

(Signed) JAMES BRYCE.

NOTES OF RATIFICATION EXCHANGED IN ACCORDANCE WITH ARTICLE 11
OF THE ABOVE TREATY.*Mr. Bacon to Mr. Bryce.*DEPARTMENT OF STATE,
February 21, 1909.

Excellency:

I have the honor to inform you that the Senate, by its resolution of the 18th instant, gave its advice and consent to the ratification of the Special Agreement between the United States and Great Britain, signed on January 27, 1909, for the submission to the Permanent Court of Arbitration at The Hague of questions relating to fisheries on the North Atlantic Coast.

In giving this advice and consent to the ratification of the Special Agreement, and as a part of the act of ratification, the Senate states in the resolution its understanding —

That it is agreed by the United States and Great Britain that question 5 of the series submitted, namely, "from where must be measured the 'three marine miles of any of the coasts, bays, creeks or harbors' referred to in said Article?" does not include any question as to the Bay of Fundy, considered as a whole apart from its bays or creeks, or as to innocent passage through the Gut of Canso, and that the respective views or contentions of the United States and Great Britain on either subject shall be in no wise prejudiced by anything in the present arbitration, and that this agreement on the part of the United States will be mentioned in the ratification of the special agreement and will, in effect, form part of this special agreement.

In thus formally confirming what I stated to you orally, I have the honor to express the hope that you will in like manner formally confirm the assent of His Majesty's Government to this understanding which you heretofore stated to me orally, and that you will be prepared at an early day to exchange the notes confirming the Special Agreement as provided for therein and in the general arbitration convention of June 5, 1908.

I have the honor to be, with the highest consideration,
Your Excellency's most obedient servant,

ROBERT BACON.

HIS EXCELLENCY THE RIGHT HONORABLE JAMES BRYCE, O. M.,
Ambassador of Great Britain.

Mr. Bryce to Mr. Bacon.

BRITISH EMBASSY, WASHINGTON,
March 4, 1909.

Sir,

I have the honour to acknowledge the receipt of your note informing me that the Senate of the United States has approved the Special Agreement for the reference to arbitration of the questions relating to the fisheries on the North Atlantic Coast and of the terms of the Resolution in which that approval is given.

It is now my duty to inform you that the Government of His Britannic Majesty confirms the Special Agreement aforesaid and in so doing confirms also the understanding arrived at by us that Question V of the series of Questions submitted for arbitration, namely from where must be measured the "three marine miles of any of the coasts, bays, creeks, or harbours" referred to in the said article, is submitted in its present form with the agreed understanding that no question as to the Bay of Fundy considered as a whole apart from its bays or creeks, or as to innocent passage through the Gut of Canso, is included in this question as one to be raised in the present arbitration, it being the intention of the Parties that their respective views or contentions on either subject shall be in no wise prejudiced by anything in the present arbitration.

This understanding is that which was embodied in notes exchanged between your predecessor and myself on January 27th, and is that expressed in the above-mentioned Resolution of the Senate of the United States.

I have the honour to be, with the highest respect, Sir,
Your most obedient, humble Servant,

JAMES BRYCE.

THE HONOURABLE ROBERT BACON,
Secretary of State.

Mr. Bacon to Mr. Bryce.

DEPARTMENT OF STATE,
March 4, 1909.

Excellency:

I have the honor to acknowledge the receipt of your note of the 4th instant in which you confirm the understanding in the matter of the Special Agreement submitting to arbitration the differences between the

Governments of the United States and Great Britain concerning the North Atlantic fisheries, as expressed in the Resolution of the Senate of February 18, 1909, and as previously agreed upon by the interchange of notes with my predecessor of January 27, 1909.

I therefore have the honor to inform you that this Government considers the Special Agreement as in full force and effect from and after the 4th day of March, 1909.

I have the honor to be, with the highest consideration,

Your Excellency's most obedient servant,

ROBERT BACON.

HIS EXCELLENCY THE RIGHT HONORABLE JAMES BRYCE, O. M.,
Ambassador of Great Britain.

THE LONDON NAVAL CONFERENCE.

Signed at London, February 26, 1909.

Protocole de Clôture.

La Conférence Navale de Londres, convoquée par le Gouvernement de Sa Majesté Britannique, s'est réunie, le 4 décembre 1908, au Ministère des Affaires Étrangères, à l'effet de déterminer les principes généralement reconnus du droit international dans le sens de l'article 7 de la Convention signée à La Haye le 18 octobre 1907, pour l'établissement d'une Cour internationale des prises.

Les Puissances, dont l'énumération suit, ont pris part à cette Conférence, pour laquelle elles avaient désigné les Délégués nommés ci-après :

L'ALLEMAGNE.

M. Kriege, Conseiller Actuel Intime de Légation et Jurisconsulte au Département des Affaires Étrangères, Membre de la Cour Permanente d'Arbitrage, Délégué Plénipotentiaire ;

M. le Capitaine de vaisseau Starke, Attaché naval à l'Ambassade Impériale à Paris, Premier Délégué naval ;

Final Protocol.¹

The London Naval Conference, called together by His Britannic Majesty's Government, assembled at the Foreign Office on the 4th December, 1908, with the object of laying down the generally recognized principles of international law in accordance with Article 7 of the Convention signed at The Hague on the 18th October, 1907, for the establishment of an International Prize Court.

The Powers enumerated below took part in this conference, at which they appointed as their representatives the following delegates :

GERMANY.

M. Kriege, Privy Councillor of Legation and Legal Adviser to the Department of Foreign Affairs, Member of the Permanent Court of Arbitration, Plenipotentiary Delegate ;

Captain Starke, Naval Attaché to the Imperial Embassy at Paris, Naval Delegate ;

¹ The Final Protocol and the annexed Declaration were signed in the French language only. The French text and translation here given appeared in the British Blue Book, Misc. No. 4 (1909), Cd. 4554.

M. Göppert, Conseiller de Légation et Conseiller adjoint au Département des Affaires Étrangères, Délégué juridique;

M. le Capitaine de corvette de Bülow, Deuxième Délégué naval.

LES ÉTATS-UNIS D'AMÉRIQUE.

M. le Contre-Amiral Charles H. Stockton, Délégué Plénipotentiaire;

M. George Grafton Wilson, Professeur à l'Université de Brown, et Conférencier en Droit international à l'École Navale de Guerre et à l'Université de Harvard, Délégué Plénipotentiaire.

L'AUTRICHE-HONGRIE.

Son Excellence M. Constantin Théodore Dumba, Conseiller Intime de Sa Majesté Impériale et Royale Apostolique, Envoyé Extraordinaire et Ministre Plénipotentiaire, Délégué Plénipotentiaire;

M. le Contre-Amiral Baron Léopold de Jedina-Palombini, Délégué naval;

M. le Baron Alexandre Hold de Ferneck, Attaché au Ministère de la Maison Impériale et Royale et des Affaires Étrangères Professeur agrégé à l'Université de Vienne, Délégué adjoint

L'ESPAGNE.

M. Gabriel Maura y Gamazo, Comte de la Mortera, Député au

M. Göppert, Councillor of Legation and Assistant Councillor to the Department for Foreign Affairs, Legal Delegate;

Commander von Bülow, Second Naval Delegate.

THE UNITED STATES OF AMERICA.

Rear-Admiral Charles H. Stockton, Plenipotentiary Delegate;

Mr. George Grafton Wilson, professor at Brown University, and Lecturer on International Law at the Naval War College and at Harvard University, Plenipotentiary Delegate.

AUSTRIA-HUNGARY.

His Excellency M. Constantin Théodore Dumba, Privy Councillor of His Imperial and Royal Apostolic Majesty, Envoy Extraordinary and Minister Plenipotentiary, Plenipotentiary Delegate;

Rear-Admiral Baron Léopold de Jedina-Palombini, Naval Delegate;

Baron Alexandre Hold de Ferneck, Attaché to the Ministry of the Imperial and Royal Household and of Foreign Affairs, Professor on the Staff of the University of Vienna, Assistant Delegate.

SPAIN.

M. Gabriel Maura y Gamazo, Count de la Mortera, Member of

Parlement, Délégué Plénipotentiaire;

M. le Capitaine de vaisseau R. Estrada, Délégué naval.

LA FRANCE.

M. Louis Renault, Ministre Plénipotentiaire, Professeur à la Faculté de Droit de Paris, Jurisconsulte du Ministère des Affaires Étrangères, Membre de l'Institut de France, Membre de la Cour Permanente d'Arbitrage, Délégué Plénipotentiaire;

M. le Contre-Amiral Le Bris, Délégué technique;

M. H. Fromageot, Avocat à la Cour d'Appel de Paris, Délégué technique;

M. le Comte de Manneville, Secrétaire d'Ambassade de Première classe, Délégué.

LA GRANDE-BRETAGNE.

M. le Comte de Desart, K. C. B., Procureur-Général du Roi, Délégué Plénipotentiaire;

Le Contre-Amiral Sir Charles L. Ottley, K. C. M. G., M. V. O., R. N., Délégué;

M. le Contre-Amiral Edmond J. W. Slade, M. V. O., R. N., Délégué;

M. Eyre Crowe, C. B., Délégué;

M. Cecil Hurst, C. B., Délégué.

L'ITALIE.

M. Guido Fusinato, Conseiller d'État, Député au Parlement,

Parliament, Plenipotentiary Delegate;

Captain R. Estrada, Naval Delegate.

FRANCE.

M. Louis Renault, Minister Plenipotentiary, Professor at the Faculty of Law at Paris, Legal Adviser to the Ministry of Foreign Affairs, Member of the Institute of France, Member of the Permanent Court of Arbitration, Plenipotentiary Delegate;

Rear-Admiral Le Bris, Technical Delegate;

M. H. Fromageot, Barrister at the Court of Appeal in Paris, Technical Delegate;

Count de Manneville, Secretary of Embassy of the First Class, Delegate.

GREAT BRITAIN.

The Earl of Desart, K. C. B., King's Proctor, Plenipotentiary Delegate;

Rear-Admiral Sir Charles Ottley, K. C. M. G., M. V. O., R. N., Delegate;

Rear-Admiral Edmond J. W. Slade, M. V. O., R. N., Delegate;

Mr. Eyre Crowe, C. B., Delegate;

Mr. Cecil Hurst, C. B., Delegate.

ITALY.

M. Guido Fusinato, Councillor of State, Member of Parliament,

ancien Ministre de l'Instruction Publique, Membre de la Cour Permanente d'Arbitrage, Délégué Plénipotentiaire;

M. le Comte Giovanni Lovatelli, Capitaine de vaisseau, Délégué naval;

M. Arturo Ricci-Busatti, Conseiller de Légation, Chef du Bureau du Contentieux au Ministère des Affaires Étrangères, Délégué ad-joint.

LE JAPON.

M. le Vice-Amiral Baron Toshiatsu Sakamoto, Chef du Département de l'Education navale, Délégué Plénipotentiaire;

M. Enjiro Yamaza, Conseiller à l'Ambassade Impériale à Londres, Délégué Plénipotentiaire;

M. le Capitaine de vaisseau Sojiro Tochinai, Attaché naval à l'Ambassade Impériale à Londres, Délégué naval;

M. Tadao Yamakawa, Conseiller au Ministère Impérial de la Marine, Délégué technique;

M. Sakutaro Tachi, Professeur à l'Université Impériale de Tôkiô, Délégué technique;

M. Michikazu Matsuda, Deuxième Secrétaire à la Légation Impériale à Bruxelles, Délégué technique.

LES PAYS-BAS.

M. le Vice-Amiral Jonkheer J. A. Roëll, Aide-de-camp de sa Majesté la Reine en Service Extraor-

ex-Minister of Public Instruction, Member of the Permanent Court of Arbitration, Plenipotentiary Delegate;

Captian Count Giovanni Lovatelli, Naval Delegate.

M. Arturo Ricci-Busatti, Coun-cillor of Legation, Head of the Legal Department of the Ministry for Foreign Affairs, Assistant Dele-gate.

JAPAN.

Vice-Admiral Baron Toshiatsu Sakamoto, Head of the Naval Education Department, Plenipotentiary Delegate;

M. Enjiro Yamaza, Coun-cillor of the Imperial Embassy in London, Plenipotentiary Delegate;

Captain Sojiro Tochinai, Naval Attaché at the Imperial Embassy in London, Naval Delegate;

M. Tadao Yamakawa, Couucil-lor to the Imperial Ministry of Marine, Technical Delegate;

M. Sakutaro Tachi, Professor at the Imperial University of Tôkiô, Technical Delegate;

M. Michikazu Matsuda, Second Secretary at the Imperial Legation at Brussels, Technical Delegate.

NETHERLANDS.

Vice-Admiral Jonkheer J. A. Roëll, A. D. C. on special service to Her Majesty the Queen, ex-

dinaire, ancien Ministre de la Marine, Délégué Plénipotentiaire;

M. le Jonkheer L. H. Ruys-senaers, Envoyé Extraordinaire et Ministre Plénipotentiaire, ancien Secrétaire-Général à la Cour Permanente d'Arbitrage, Délégué Plénipotentiaire;

M. H. G. Surie, Lieutenant de vaisseau de Première classe, Délégué naval.

LA RUSSIE.

M. le Baron Taube, Docteur en droit, Conseiller au Ministère Impérial des Affaires Etrangères, Professeur de Droit international à l'Université de Saint-Petersbourg, Délégué Plénipotentiaire;

M. le Capitaine de vaisseau Behr, Attaché naval à Londres, Délégué naval;

M. le Colonel de l'Amirauté Ovchinnikow, Professeur de Droit international à l'Académie de la Marine, Délégué naval;

M. le Baron Nolde, Fonctionnaire de Sixième classe pour Missions spéciales près le Ministre des Affaires Etrangères, Professeur de Droit international à l'Institut Polytechnique de Saint-Petersbourg, Délégué technique;

M. Linden, Chef de Section au Ministère Impérial du Commerce et de l'Industrie, Délégué technique.

Dans une série de réunions, tenues du 4 décembre 1908 au 26

Minister of Marine, Plenipotentiary Delegate;

Jonkheer L. H. Ruys-senaers, Envoy Extraordinary and Minister Plenipotentiary, ex-Secretary-General of the Permanent Court of Arbitration, Plenipotentiary Delegate;

First Lieutenant H. G. Surie, Naval Delegate.

RUSSIA.

Baron Taube, Doctor of Laws, Councillor to the Imperial Ministry of Foreign Affairs, Professor of International Law at the University of St. Petersburg, Plenipotentiary Delegate;

Captain Behr, Naval Attaché in London, Naval Delegate;

Colonel of the Admiralty Ovchinnikow, Professor of International Law at the Naval Academy, Naval Delegate;

Baron Nolde, Official of the Sixth Class for Special Missions attached to the Minister for Foreign Affairs, Professor of International Law at the Polytechnic Institute of St. Petersburg, Technical Delegate.

M. Linden, Head of Department at the Imperial Ministry of Trade and Commerce, Technical Delegate.

In a series of sittings held from the 4th December, 1908, to the

février 1909, la Conférence a arrêté pour être soumis à la signature des Plénipotentiaires, la *Déclaration relative au droit de la guerre maritime*, dont le texte est annexé au présent Protocole.

En outre, le vœu suivant a été adopté par les Délégués des Puissances qui ont signé ou qui ont exprimé l'intention de signer la Convention de La Haye en date du 18 octobre 1907 pour l'établissement d'une Cour internationale des prises :

Les Délégués des Puissances représentées à la Conférence Navale et qui ont signé ou qui ont exprimé l'intention de signer la Convention de La Haye en date du 18 octobre 1907 pour l'établissement d'une Cour internationale des prises, considérant les difficultés d'ordre constitutionnel qui, pour certains États, s'opposent à la ratification, sous sa forme actuelle, de cette Convention, sont d'accord pour signaler à leurs Gouvernements respectifs l'avantage que présenterait la conclusion d'un arrangement en vertu duquel lesdits États auraient, lors du dépôt de leurs ratifications, la faculté d'y joindre une réserve portant que le droit de recourir à la Cour internationale des prises, à propos des décisions de leurs tribunaux nationaux, se présentera comme une action directe en indemnité, pourvu toutefois que

26th February, 1909, the Conference has drawn up for signature by the plenipotentiaries, the *Declaration concerning the laws of naval war*, the text of which is annexed to the present protocol.

Furthermore, the following wish has been recorded by the delegates of those powers which have signed or expressed the intention of signing the Convention of The Hague of the 18th October, 1907, for the establishment of an International Prize Court :

The Delegates of the Powers represented at the Naval Conference which have signed or expressed the intention of signing the Convention of The Hague of the 18th October, 1907, for the establishment of an International Prize Court, having regard to the difficulties of a constitutional nature which, in some States, stand in the way of the ratification of that Convention in its present form, agree to call the attention of their respective Governments to the advantage of concluding an arrangement under which such States would have the power, at the time of depositing their ratifications, to add thereto a reservation to the effect that resort to the International Prize Court in respect of decisions of their National Tribunals shall take the form of a direct claim for compensation, provided

l'effet de cette réserve ne soit pas de nature à porter atteinte aux droits garantis par ladite Convention, soit aux particuliers, soit à leurs Gouvernements, et que les termes de la réserve forment l'objet d'une entente ultérieure entre les Puissances Signataires de la même Convention.

En foi de quoi les Plénipotentiaires et les Délégués remplaçant les Plénipotentiaires qui ont déjà dû quitter Londres ont signé le présent Protocole.

Fait à Londres le vingt-six février mil neuf cent neuf, en un seul exemplaire, qui sera déposé dans les archives du Gouvernement Britannique et dont des copies, certifiées conformes, seront remises par la voie diplomatique aux Puissances représentées à la Conférence Navale.

Pour l'Allemagne:
KRIEGE.

Pour les Etats-Unis d'Amérique:
C. H. STOCKTON.
GEORGE GRAFTON WILSON.

Pour l'Autriche-Hongrie:
C. DUMBA.

Pour l'Espagne:
RAMÓN ESTRADA.

always that the effect of this reservation shall not be such as to impair the rights secured under the said Convention either to individuals or to their Governments, and that the terms of the reservation shall form the subject of a subsequent understanding between the Powers signatory of that Convention.

In faith whereof the plenipotentiaries and the delegates representing those plenipotentiaries who have already left London have signed the present protocol.

Done at London the twenty-sixth day of February, one thousand nine hundred and nine, in a single original, which shall be deposited in the archives of the British Government and of which duly certified copies shall be sent through the diplomatic channel to the powers represented at the Naval Conference.

For Germany:
KRIEGE.

For the United States of America:
C. H. STOCKTON.
GEORGE GRAFTON WILSON.

For Austria-Hungary:
C. DUMBA.

For Spain:
RAMÓN ESTRADA.

Pour la France:	For France:
L. RENAULT.	L. RENAULT.
Pour la Grande-Bretagne:	For Great Britain:
DESART.	DESART.
Pour l'Italie:	For Italy:
GIOVANNI LOVATELLI.	GIOVANNI LOVATELLI.
Pour le Japon:	For Japan:
T. SAKAMOTO.	T. SAKAMOTO.
E. YAMAZA.	E. YAMAZA.
Pour les Pays-Bas:	For the Netherlands:
J. A. ROËLL.	J. A. ROËLL.
L. H. RUYSSENAERS.	L. H. RUYSSENAERS.
Pour la Russie:	For Russia:
F. BEHR.	F. BEHR.

*Déclaration relative au Droit de la
Guerre Maritime.*

Sa Majesté l'Empereur d'Allemagne, Roi de Prusse; le Président des États-Unis d'Amérique; Sa Majesté l'Empereur d'Autriche, Roi de Bohême, etc., et Roi Apostolique de Hongrie; Sa Majesté le Roi d'Espagne; le Président de la République Française; Sa Majesté le Roi du Royaume-Uni de Grande-Bretagne et d'Irlande et des Territoires Britanniques au delà des Mers, Empereur des Indes; Sa Majesté le Roi d'Italie; Sa Majesté l'Empereur du Japon; Sa Majesté

*Declaration concerning the Laws
of Naval War.*

His Majesty the German Emperor, King of Prussia; the President of the United States of America; His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary; His Majesty the King of Spain; the President of the French Republic; His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India; His Majesty the King of Italy; His Majesty the Emperor

la Reine des Pays-Bas; Sa Majesté l'Empereur de Toutes les Russies;

Considérant l'invitation par laquelle le Gouvernement Britannique a proposé à diverses puissances de se réunir en conférence afin de déterminer en commun ce que comportent les règles généralement reconnues du droit international au sens de l'article 7 de la convention du 18 octobre 1907, relative à l'établissement d'une cour internationale des prises;

Reconnaissant tous les avantages que, dans le cas malheureux d'une guerre maritime, la détermination desdites règles présente, soit pour le commerce pacifique, soit pour les belligérants et pour leurs relations politiques avec les Gouvernements neutres;

Considérant que les principes généraux du droit international sont souvent, dans leur application pratique, l'objet de méthodes divergentes;

Animés du désir d'assurer dorénavant une plus grande uniformité à cet égard;

Espérant qu'une œuvre d'un intérêt commun aussi important rencontrera l'approbation générale;

Ont nommé pour leurs plénipotentiaires, savoir:

Sa Majesté l'Empereur d'Allemagne, Roi de Prusse:
M. Kriege, Conseiller Actuel

of Japan; Her Majesty the Queen of the Netherlands; His Majesty the Emperor of All the Russias;

Having regard to the terms in which the British Government invited various powers to meet in conference in order to arrive at an agreement as to what are the generally recognized rules of international law within the meaning of article 7 of the convention of 18th October, 1907, relative to the establishment of an International Prize Court;

Recognizing all the advantages which an agreement as to the said rules would, in the unfortunate event of a naval war, present, both as regard peaceful commerce, and as regards the belligerents and their diplomatic relations with neutral governments;

Having regard to the divergence often found in the methods by which it is sought to apply in practice the general principles of international law;

Animated by the desire to insure henceforward a greater measure of uniformity in this respect;

Hoping that a work so important to the common welfare will meet with general approval;

Have appointed as their plenipotentiaries, that is to say:

His Majesty the German Emperor, King of Prussia:
M. Kriege, Privy Councillor

Intime de Légation et Jurisconsulte au Département des Affaires Étrangères, Membre de la Cour Permanente d'Arbitrage.

Le Président des États-Unis d'Amérique:

M. Charles H. Stockton, Contre-Amiral en retraite.

M. George Grafton Wilson, Professeur à l'Université de Brown et Conférencier en Droit International à l'Ecole Navale de Guerre et à l'Université de Harvard.

Sa Majesté l'Empereur d'Autriche, Roi de Bohême, etc., et Roi Apostolique de Hongrie:

Son Excellence M. Constantin Théodore Dumba, Conseiller Intime de Sa Majesté Impériale et Royale Apostolique, Envoyé Extraordinaire et Ministre Plénipotentiaire.

Sa Majesté le Roi d'Espagne:

M. Gabriel Maura y Gamazo, Comte de la Mortera, Député au Parlement.

Le Président de la République Française:

M. Louis Renault, Professeur à la Faculté de Droit de Paris, Ministre Plénipotentiaire Honoraire, Juriscon-

of Legation and Legal Adviser to the Department for Foreign Affairs, Member of the Permanent Court of Arbitration.

The President of the United States of America:

Rear-Admiral Charles H. Stockton, retired;

Mr. George Grafton Wilson, Professor at Brown University and Lecturer on International Law at the Naval War College and at Harvard University.

His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary:

His Excellency M. Constantin Théodore Dumba, Privy Councillor of His Imperial and Royal Apostolic Majesty, Envoy Extraordinary and Minister Plenipotentiary.

His Majesty the King of Spain:

M. Gabriel Maura y Gamazo, Count de la Mortera, Member of Parliament.

The President of the French Republic:

M. Louis Renault, Professor of the Faculty of Law at Paris, Honorary Minister Plenipotentiary, Legal Ad-

sulte du Ministère des Affaires Étrangères, Membre de l'Institut de France, Membre de la Cour Permanente d'Arbitrage.

Sa Majesté le Roi du Royaume-Uni de Grande-Bretagne et d'Irlande et des Territoires Britanniques au delà des Mers, Empereur des Indes:

M. le Comte de Desart, K.C.B., Procureur-Général du Roi.

Sa Majesté le Roi d'Italie:

M. Guido Fusinato, Conseiller d'Etat, Député au Parlement, ancien Ministre de l'Instruction Publique, Membre de la Cour Permanente d'Arbitrage.

Sa Majesté l'Empereur du Japon:

M. le Baron Toshiatsu Sakamoto, Vice-Amiral, Chef du Département de l'Education Navale.

M. Enjiro Yamaza, Conseiller de l'Ambassade Impériale à Londres.

Sa Majesté la Reine des Pays-Bas:

Son Excellence M. le Jonkheer J. A. Roëll, Aide-de-Camp de Sa Majesté la Reine en Service Extraordi-

viser to the Ministry of Foreign Affairs, Member of the Institute of France, Member of the Permanent Court of Arbitration.

His Majesty the King of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, Emperor of India:

The Earl of Desart, K.C.B., King's Proctor.

His Majesty the King of Italy:

M. Guido Fusinato, Councillor of State, Member of Parliament, ex-Minister of Public Instruction, Member of the Permanent Court of Arbitration.

His Majesty the Emperor of Japan:

Baron Toshiatsu Sakamoto, Vice-Admiral, Head of the Department of Naval Instruction.

M. Enjiro Yamaza, Councillor of the Imperial Embassy at London.

Her Majesty the Queen of the Netherlands:

His Excellency Jonkheer J. A. Roell, Aide-de-Camp to Her Majesty the Queen in Extraordinary Service,

naire, Vice-Amiral en retraite, ancien Ministre de la Marine.

M. le Jonkheer L. H. Ruysenaers, Envoyé Extraordinaire et Ministre Plénipotentiaire, ancien Secrétaire-Général de la Court Permanente d'Arbitrage.

Sa Majesté l'Empereur de Toutes les Russies :

M. le Baron Taube, Docteur en Droit, Conseiller au Ministère Impérial des Affaires Étrangères, Professeur de Droit International à l'Université de Saint-Petersbourg.

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus de faire la présente Déclaration :

DISPOSITION PRÉLIMINAIRE.

Les Puissances Signataires sont d'accord pour constater que les règles contenues dans les Chapitres suivants répondent, en substance, aux principes généralement reconnus du droit international.

CHAPITRE I. — *Du blocus en temps de guerre.*

ARTICLE 1.

Le blocus doit être limité aux ports et aux côtes de l'ennemi ou occupés par lui.

Vice-Admiral retired, ex-Minister of Marine.

Jonkheer L. H. Ruysenaers, Envoy Extraordinary and Minister Plenipotentiary, ex-Secretary-General of the Permanent Court of Arbitration.

His Majesty the Emperor of all the Russias :

Baron Taube, Doctor of Laws, Councillor to the Imperial Ministry of Foreign Affairs, Professor of International Law at the University of St. Petersburg.

Who, after having communicated their full powers, found to be in good and due form, have agreed to make the present Declaration :

PRELIMINARY PROVISION.

The Signatory Powers are agreed that the rules contained in the following Chapters correspond in substance with the generally recognized principles of international law.

CHAPTER I. — *Blockade in time of war.*

ARTICLE 1.

A blockade must not extend beyond the ports and coasts belonging to or occupied by the enemy.

ARTICLE 2.

Conformément à la Déclaration de Paris de 1856, le blocus, pour être obligatoire, doit être effectif, c'est-à-dire maintenu par une force suffisante pour interdire réellement l'accès du littoral ennemi.

ARTICLE 2.

In accordance with the Declaration of Paris of 1856, a blockade, in order to be binding, must be effective — that is to say, it must be maintained by a force sufficient really to prevent access to the enemy coastline.

ARTICLE 3.

La question de savoir si le blocus est effectif est une question de fait.

ARTICLE 3.

The question whether a blockade is effective is a question of fact.

ARTICLE 4.

Les blocus n'est pas considéré comme levé si, par suite du mauvais temps, les forces bloquantes se sont momentanément éloignées.

ARTICLE 4.

A blockade is not regarded as raised if the blockading force is temporarily withdrawn on account of stress of weather.

ARTICLE 5.

Le blocus doit être impartialement appliqué aux divers pavillons.

ARTICLE 5.

A blockade must be applied impartially to the ships of all nations.

ARTICLE 6.

Le commandant de la force bloquante peut accorder à des navires de guerre la permission d'entrer dans le port bloqué et d'en sortir ultérieurement.

ARTICLE 6.

The commander of a blockading force may give permission to a warship to enter, and subsequently to leave, a blockaded port.

ARTICLE 7.

Un navire neutre, en cas de détresse constatée par une autorité des forces bloquantes, peut pénétrer dans la localité bloquée et en sortir ultérieurement à la condition de n'y avoir laissé ni pris aucun chargement.

ARTICLE 7.

In circumstances of distress, acknowledgment by an officer of the blockading force, a neutral vessel may enter a place under blockade and subsequently leave it, provided that she has neither discharged nor shipped any cargo there.

ARTICLE 8.

Le blocus, pour être obligatoire, doit être déclaré conformément à l'article 9 et notifié conformément aux articles 11 et 16.

ARTICLE 9.

La déclaration de blocus est faite, soit par la puissance bloquante, soit par les autorités navales agissant en son nom.

Elle précise :

- (1) La date du commencement du blocus ;
- (2) Les limites géographiques du littoral bloqué ;
- (3) Le délai de sortie à accorder aux navires neutres.

ARTICLE 10.

Si la puissance bloquante ou les autorités navales agissant en son nom ne se conforment pas aux mentions, qu'en exécution de l'article 9, (1) et (2), elles ont dû inscrire dans la déclaration de blocus, cette déclaration est nulle, et une nouvelle déclaration est nécessaire pour que le blocus produise ses effets.

ARTICLE 11.

La déclaration de blocus est notifiée :

- (1) Aux puissances neutres, par la puissance bloqu-

ARTICLE 8.

A blockade, in order to be binding, must be declared in accordance with article 9, and notified in accordance with articles 11 and 16.

ARTICLE 9.

A declaration of blockade is made either by the blockading power or by the naval authorities acting in its name.

It specifies —

- (1) The date when the blockade begins ;
- (2) The geographical limits of the coastline under blockade ;
- (3) The period within which neutral vessels may come out.

ARTICLE 10.

If the operations of the blockading power, or of the naval authorities acting in its name, do not tally with the particulars, which, in accordance with article 9 (1) and (2), must be inserted in the declaration of blockade, the declaration is void, and a new declaration is necessary in order to make the blockade operative.

ARTICLE 11.

A declaration of blockade is notified :

- (1) To neutral powers, by the blockading power by

ante, au moyen d'une communication adressée aux gouvernements eux-mêmes ou à leurs représentants accrédités auprès d'elle;

- (2) Aux autorités locales, par le commandant de la force bloquante. Ces autorités, de leur côté, en informeront, aussitôt que possible, les consuls étrangers qui exercent leurs fonctions dans le port ou sur le littoral bloqués.

ARTICLE 12.

Les règles relatives à la déclaration et à la notification de blocus sont applicables dans le cas où le blocus serait étendu ou viendrait à être repris après avoir été levé.

ARTICLE 13.

La levée volontaire du blocus, ainsi que toute restriction qui y serait apportée, doit être notifiée dans la forme prescrite par l'article 11.

ARTICLE 14.

La saisissabilité d'un navire neutre pour violation de blocus est subordonnée à la connaissance réelle ou présumée du blocus.

means of a communication addressed to the governments direct, or to their representatives accredited to it;

- (2) To the local authorities, by the officer commanding the blockading force. The local authorities will, in turn, inform the foreign consular officers at the port or on the coastline under blockade as soon as possible.

ARTICLE 12.

The rules as to declaration and notification of blockade apply to cases where the limits of a blockade are extended, or where a blockade is re-established after having been raised.

ARTICLE 13.

The voluntary raising of a blockade, as also any restriction in the limits of a blockade, must be notified in the manner prescribed by article 11.

ARTICLE 14.

The liability of a neutral vessel to capture for breach of blockade is contingent on her knowledge, actual or presumptive, of the blockade.

ARTICLE 15.

La connaissance du blocus est, sauf preuve contraire, présumée, lorsque le navire a quitté un port neutre postérieurement à la notification, en temps utile, du blocus à la puissance dont relève ce port.

ARTICLE 16.

Si le navire qui approche du port bloqué n'a pas connu ou ne peut être présumé avoir connu l'existence due blocus, la notification doit être faite au navire même par un officier de l'un des bâtiments de la force bloquante. Cette notification doit être portée sur le livre de bord avec indication de la date et de l'heure, ainsi que de la position géographique du navire à ce moment.

Le navire neutre qui sort du port bloqué, alors que, par la négligence du commandant de la force bloquante, aucune déclaration de blocus n'a été notifiée aux autorités locales ou qu'un délai n'a pas été indiqué dans la déclaration notifiée, doit être laissé libre de passer.

ARTICLE 17.

La saisie des navires neutres pour violation de blocus ne peut être effectuée que dans le rayon

ARTICLE 15.

Failing proof to the contrary, knowledge of the blockade is presumed if the vessel left a neutral port subsequently to the notification of the blockade to the power to which such port belongs, provided that such notification was made in sufficient time.

ARTICLE 16.

If a vessel approaching a blockaded port has no knowledge, actual or presumptive, of the blockade, the notification must be made to the vessel itself by an officer of one of the ships of the blockading force. This notification should be entered in the vessel's logbook, and must state the day and hour, and the geographical position of the vessel at the time.

If through the negligence of the officer commanding the blockading force no declaration of blockade has been notified to the local authorities, or, if in the declaration, as notified, no period has been mentioned within which neutral vessels may come out, a neutral vessel coming out of the blockaded port must be allowed to pass free.

ARTICLE 17.

Neutral vessels may not be captured for breach of blockade except within the area of operations

d'action des bâtiments de guerre chargés d'assurer l'effectivité du blocus.

of the warships detailed to render the blockade effective.

ARTICLE 18.

Les forces bloquantes ne doivent pas barrer l'accès aux ports et aux côtes neutres.

ARTICLE 18.

The blockading forces must not bar access to neutral ports or coasts.

ARTICLE 19.

La violation du blocus est insuffisamment caractérisée pour autoriser la saisie du navire, lorsque celui-ci est actuellement dirigé vers un port non bloqué, quelle que soit la destination ultérieure du navire ou de son chargement.

ARTICLE 19.

Whatever may be the ulterior destination of a vessel or of her cargo, she cannot be captured for breach of blockade, if, at the moment, she is on her way to a non-blockaded port.

ARTICLE 20.

Le navire qui, en violation du blocus, est sorti du port bloqué ou a tenté d'y entrer, reste saisissable tant qu'il est poursuivi par un bâtiment de la force bloquante. Si la chasse en est abandonnée ou si le blocus est levé la saisie n'en peut plus être pratiquée.

ARTICLE 20.

A vessel which has broken blockade outwards, or which has attempted to break blockade inwards, is liable to capture so long as she is pursued by a ship of the blockading force. If the pursuit is abandoned, or if the blockade is raised, her capture can no longer be effected.

ARTICLE 21.

Le navire reconnu coupable de violation de blocus est confisqué. Le chargement est également confisqué, à moins qu'il soit prouvé qu'au moment où la marchandise a été embarquée, le chargeur n'a ni connu ni pu connaître l'intention de violer le blocus.

ARTICLE 21.

A vessel found guilty of breach of blockade is liable to condemnation. The cargo is also condemned, unless it is proved that at the time of the shipment of the goods the shipper neither knew nor could have known of the intention to break the blockade.

CHAPITRE II. — *De la contrebande de guerre.* CHAPTER II. — *Contraband of war.*

ARTICLE 22.

Sont de plein droit considérées comme contrebande de guerre les objets et matériaux suivants, compris sous le nom de contrebande absolue, savoir :

- (1) Les armes de toute nature, y compris les armes de chasse, et les pièces détachées caractérisées.
- (2) Les projectiles, gargousses et cartouches de toute nature, et les pièces détachées caractérisées.
- (3) Les poudres et les explosifs spécialement affectés à la guerre.
- (4) Les affûts, caissons, avant-trains, fourgons, forges de campagne, et les pièces détachées caractérisées.
- (5) Les effets d'habillement et d'équipement militaires caractérisés.
- (6) Les harnachements militaires caractérisés de toute nature.
- (7) Les animaux de selle, de trait et de bât, utilisables pour la guerre.

ARTICLE 22.

The following articles may, without notice,² be treated as contraband of war, under the name of absolute contraband :

- (1) Arms of all kinds, including arms for sporting purposes, and their distinctive component parts.
- (2) Projectiles, charges, and cartridges of all kinds, and their distinctive component parts.
- (3) Powder and explosives specially prepared for use in war.
- (4) Gun-mountings, limber boxes, limbers, military wagons, field forges, and their distinctive component parts.
- (5) Clothing and equipment of a distinctively military character.
- (6) All kinds of harness of a distinctively military character.
- (7) Saddle, draught, and pack animals suitable for use in war.

² In view of the difficulty of finding an exact equivalent in English for the expression "de plein droit," it has been decided to translate it by the words "without notice," which represent the meaning attached to it by the draftsman as appears from the General Report. [Note by editor of British Blue Book.]

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| <p>(8) Le matériel de campement et les pièces détachées caractérisées.</p> <p>(9) Les plaques de blindage.</p> <p>(10) Les bâtiments et embarcations de guerre et les pièces détachées spécialement caractérisées comme ne pouvant être utilisées que sur un navire de guerre.</p> <p>(11) Les instruments et appareils exclusivement faits pour la fabrication des munitions de guerre, pour la fabrication et la réparation des armes et du matériel militaire, terrestre ou naval.</p> | <p>(8) Articles of camp equipment, and their distinctive component parts.</p> <p>(9) Armor plates.</p> <p>(10) Warships, including boats, and their distinctive component parts of such a nature that they can only be used on a vessel of war.</p> <p>(11) Implements and apparatus designed exclusively for the manufacture of munitions of war, for the manufacture or repair of arms, or war material for use on land or sea.</p> |
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ARTICLE 23.

Les objets et matériaux qui sont exclusivement employés à la guerre peuvent être ajoutés à la liste de contrebande absolue au moyen d'une déclaration notifiée.

La notification est adressée aux gouvernements des autres puissances ou à leurs représentants accrédités auprès de la puissance qui fait la déclaration. La notification faite après l'ouverture des hostilités n'est adressée qu'aux puissances neutres.

ARTICLE 24.

Sont de plein droit considérés comme contrebande de guerre les objets et matériaux susceptibles de

ARTICLE 23.

Articles exclusively used for war may be added to the list of absolute contraband by a declaration, which must be notified.

Such notification must be addressed to the governments of other powers, or to their representatives accredited to the power making the declaration. A notification made after the outbreak of hostilities is addressed only to neutral powers.

ARTICLE 24.

The following articles, susceptible of use in war as well as for purposes of peace, may, without no-

servir aux usages de la guerre comme à des usages pacifiques, et compris sous le nom de contrebande conditionnelle, savoir :

- (1) Les vivres.
- (2) Les fourrages et les graines propres à la nourriture des animaux.
- (3) Les vêtements et les tissus d'habillement, les chaussures, propres à des usages militaires.
- (4) L'or et l'argent monnayés et en lingots, les papiers représentatifs de la monnaie.
- (5) Les véhicules de toute nature pouvant servir à la guerre, ainsi que les pièces détachées.
- (6) Les navires, bateaux et embarcations de tout genre, les docks flottants, parties de bassins, ainsi que les pièces détachées.
- (7) Le matériel fixe ou roulant des chemins de fer, le matériel des télégraphes, radiotélégraphes et téléphones.
- (8) Les aérostats et les appareils d'aviation, les pièces détachées caractérisées ainsi que les accessoires, objets et matériaux caractérisés

tice,³ be treated as contraband of war, under the name of conditional contraband :

- (1) Foodstuffs.
- (2) Forage and grain, suitable for feeding animals.
- (3) Clothing, fabrics for clothing, and boots and shoes, suitable for use in war.
- (4) Gold and silver in coin or bullion; paper money.
- (5) Vehicles of all kinds available for use in war, and their component parts.
- (6) Vessels, craft, and boats of all kinds; floating docks, parts of docks and their component parts.
- (7) Railway material both fixed and rolling-stock, and material for telegraphs, wireless telegraphs, and telephones.
- (8) Balloons and flying machines and their distinctive component parts, together with accessories and articles recognizable as intended for use in

³ See note on article 22.

comme devant servir à l'aérostation ou à l'aviation.

- (9) Les combustibles; les matières lubrifiantes.
- (10) Les poudres et les explosifs qui ne sont pas spécialement affectés à la guerre.
- (11) Les fils de fer barbelés, ainsi que les instruments servant à les fixer ou à les couper.
- (12) Les fers à cheval et le matériel de maréchalerie.
- (13) Les objets de harnachement et de sellerie.
- (14) Les jumelles, les télescopes, les chronomètres et les divers instruments nautiques.

connection with balloons and flying machines.

- (9) Fuel; lubricants.
- (10) Powder and explosives not specially prepared for use in war.
- (11) Barbed wire and implements for fixing and cutting the same.
- (12) Horseshoes and shoeing materials.
- (13) Harness and saddlery.
- (14) Field glasses, telescopes, chronometers, and all kinds of nautical instruments.

ARTICLE 25.

Le objets et matériaux susceptibles de servir aux usages de la guerre comme à des usages pacifiques, et autres que ceux visés aux articles 22 et 24, peuvent être ajoutés à la liste de contrebande conditionnelle au moyen d'une déclaration qui sera notifiée de la manière prévue à l'article 23, deuxième alinéa.

ARTICLE 26.

Si une puissance renonce, en ce qui la concerne, à considérer comme contrebande de guerre des objets

ARTICLE 25.

Articles susceptible of use in war as well as for purposes of peace, other than those enumerated in articles 22 and 24, may be added to the list of conditional contraband by a declaration, which must be notified in the manner provided for in the second paragraph of article 23.

ARTICLE 26.

If a power waives, so far as it is concerned, the right to treat as contraband of war an article com-

et matériaux qui rentrent dans une des catégories énumérées aux articles 22 et 24, elle fera connaître son intention par une déclaration notifiée de la manière prévue à l'article 23, deuxième alinéa.

ARTICLE 27.

Les objets et matériaux, qui ne sont pas susceptibles de servir aux usages de la guerre, ne peuvent pas être déclarés contrebande de guerre.

ARTICLE 28.

Ne peuvent pas être déclarés contrebande de guerre les articles suivants, savoir :

- (1) Le coton brut, les laines, soies, jutes, lins, chanvres bruts, et les autres matières premières des industries textiles, ainsi que leurs filés.
- (2) Les noix et graines oléagineuses ; le coprah.
- (3) Les caoutchoucs, résines, gommes et laques ; le houblon.
- (4) Les peaux brutes, les cornes, os et ivoires.
- (5) Les engrais naturels et artificiels, y compris les nitrates et phosphates pouvant servir à l'agriculture.
- (6) Les minerais.
- (7) Les terres, les argiles, la

prised in any of the classes enumerated in articles 22 and 24, such intention shall be announced by a declaration, which must be notified in the manner provided for in the second paragraph of article 23.

ARTICLE 27.

Articles which are not susceptible of use in war may not be declared contraband of war.

ARTICLE 28.

The following may not be declared contraband of war :

- (1) Raw cotton, wool, silk, jute, flax, hemp, and other raw materials of the textile industries, and yarns of the same.
- (2) Oil seeds and nuts ; copra.
- (3) Rubber, resins, gums, and lacs ; hops.
- (4) Raw hides and horns, bones, and ivory.
- (5) Natural and artificial manures, including nitrates and phosphates for agricultural purposes.
- (6) Metallic ores.
- (7) Earths, clays, lime, chalk,

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| chaux, la craie, les pierres y compris les marbres, les briques, ardoises et tuiles. | stone, including marble, bricks, slates, and tiles. |
| (8) Les porcelaines et verres. | (8) Chinaware and glass. |
| (9) Le papier et les matières préparées pour sa fabrication. | (9) Paper and paper-making materials. |
| (10) Les savons, couleurs, y compris les matières exclusivement destinées à les produire, et les vernis. | (10) Soap, paint and colors, including articles exclusively used in their manufacture, and varnish. |
| (11) L'hypochlorite de chaux, les cendres de soude, la soude caustique, le sulfate de soude en pains, l'ammoniaque, le sulfate d'ammoniaque et le sulfate de cuivre. | (11) Bleaching powder, soda ash, caustic soda, salt cake, ammonia, sulphate of ammonia, and sulphate of copper. |
| (12) Les machines servant à l'agriculture, aux mines, aux industries textiles et à l'imprimerie. | (12) Agricultural, mining, textile, and printing machinery. |
| (13) Les pierres précieuses, les pierres fines, les perles, la nacre et les coraux. | (13) Precious and semi-precious stones, pearls, mother-of-pearl, and coral. |
| (14) Les horloges, pendules, et montres autres que les chronomètres. | (14) Clocks and watches, other than chronometers. |
| (15) Les articles de mode et les objets de fantaisie. | (15) Fashion and fancy goods. |
| (16) Les plumes de tout genre, les crins et soies. | (16) Feathers of all kinds, hairs, and bristles. |
| (17) Les objets d'ameublement ou d'ornement; les meubles et accessoires de bureau. | (17) Articles of household furniture and decoration; office furniture and requisites. |

ARTICLE 29.

Ne peuvent non plus être considérés comme contrebande de guerre:

- (1) Les objets et matériaux servant exclusivement à soigner les malades et les blessés. Toutefois, ils peuvent, en cas de nécessité militaire importante, être réquisitionnés, moyennant une indemnité, lorsqu'ils ont la destination prévue à l'article 30.
- (2) Les objets et matériaux destinés à l'usage du navire où ils sont trouvés, ainsi qu'à l'usage de l'équipage et des passagers de ce navire pendant la traversée.

ARTICLE 30.

Les articles de contrebande absolue sont saisissables, s'il est établi qu'ils sont destinés au territoire de l'ennemi ou à un territoire occupé par lui ou à ses forces armées. Peu importe que le transport de ces objets se fasse directement ou exige, soit un transbordement, soit un trajet par terre.

ARTICLE 31.

La destination prévue à l'article 30 est définitivement prouvée dans les cas suivants:

ARTICLE 29.

Likewise the following may not be treated as contraband of war:

- (1) Articles serving exclusively to aid the sick and wounded. They can, however, in case of urgent military necessity and subject to the payment of compensation, be requisitioned, if their destination is that specified in article 30.
- (2) Articles intended for the use of the vessel in which they are found, as well as those intended for the use of her crew and passengers during the voyage.

ARTICLE 30.

Absolute contraband is liable to capture if it is shown to be destined to territory belonging to or occupied by the enemy, or to the armed forces of the enemy. It is immaterial whether the carriage of the goods is direct or entails transshipment or a subsequent transport by land.

ARTICLE 31.

Proof of the destination specified in article 30 is complete in the following cases:

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| <p>(1) Lorsque la marchandise est documentée pour être débarquée dans un port de l'ennemi ou pour être livrée à ses forces armées.</p> <p>(2) Lorsque le navire ne doit aborder qu'à des ports ennemis, ou lorsqu'il doit toucher à un port de l'ennemi ou rejoindre ses forces armées, avant d'arriver au port neutre pour lequel la marchandise est documentée.</p> | <p>(1) When the goods are documented for discharge in an enemy port, or for delivery to the armed forces of the enemy.</p> <p>(2) When the vessel is to call at enemy ports only, or when she is to touch at an enemy port or meet the armed forces of the enemy before reaching the neutral port for which the goods in question are documented.</p> |
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ARTICLE 32.

Les papiers de bord font preuve complète de l'itinéraire du navire transportant de la contrebande absolue, à moins que le navire soit rencontré ayant manifestement dévié de la route qu'il devrait suivre d'après ses papiers de bord et sans pouvoir justifier d'une cause suffisante de cette déviation.

ARTICLE 33.

Les articles de contrebande conditionnelle sont saisissables, s'il est établi qu'ils sont destinés à l'usage des forces armées ou des administrations de l'état ennemi, à moins, dans ce dernier cas, que les circonstances établissent qu'en fait ces articles ne peuvent être utilisés pour la guerre en cours; cette dernière réserve ne s'applique pas aux envois visés par l'article 24, (4).

ARTICLE 32.

Where a vessel is carrying absolute contraband, her papers are conclusive proof as to the voyage on which she is engaged, unless she is found clearly out of the course indicated by her papers and unable to give adequate reasons to justify such deviation.

ARTICLE 33.

Conditional contraband is liable to capture if it is shown to be destined for the use of the armed forces or of a government department of the enemy state, unless in this latter case the circumstances show that the goods can not in fact be used for the purposes of the war in progress. This latter exception does not apply to a consignment coming under article 24 (4).

ARTICLE 34.

Il y a présomption de la destination prévue à l'article 33, si l'envoi est adressé aux autorités ennemies, ou à un commerçant établi en pays ennemi et lorsqu'il est notoire que ce commerçant fournit à l'ennemi des objets et matériaux de cette nature. Il en est de même si l'envoi est à destination d'une place fortifiée ennemie, ou d'une autre place servant de base aux forces armées ennemies; toutefois, cette présomption ne s'applique pas au navire de commerce lui-même faisant route vers une de ces places et dont on entend établir le caractère de contrebande.

A défaut des présomptions ci-dessus, la destination est présumée innocente.

Les présomptions établies dans le présent article admettent la preuve contraire.

ARTICLE 35.

Les articles de contrebande conditionnelle ne sont saisissables que sur le navire qui fait route vers le territoire de l'ennemi ou vers un territoire occupé par lui ou vers ses forces armées et qui ne doit pas les décharger dans un port intermédiaire neutre.

Les papiers de bord font preuve complète de l'itinéraire du navire ainsi que du lieu de déchargement des marchandises, à moins que ce

ARTICLE 34.

The destination referred to in article 33 is presumed to exist if the goods are consigned to enemy authorities, or to a contractor established in the enemy country who, as a matter of common knowledge, supplies articles of this kind to the enemy. A similar presumption arises if the goods are consigned to a fortified place belonging to the enemy, or other place serving as a base for the armed forces of the enemy. No such presumption, however, arises in the case of a merchant vessel bound for one of these places if it is sought to prove that she herself is contraband.

In cases where the above presumptions do not arise, the destination is presumed to be innocent.

The presumptions set up by this article may be rebutted.

ARTICLE 35.

Conditional contraband is not liable to capture, except when found on board a vessel bound for territory belonging to or occupied by the enemy, or for the armed forces of the enemy, and when it is not to be discharged in an intervening neutral port.

The ship's papers are conclusive proof both as to the voyage on which the vessel is engaged and as to the port of discharge of the

navire soit rencontré ayant manifestement dévié de la route qu'il devrait suivre d'après ses papiers de bord et sans pouvoir justifier d'une cause suffisante de cette déviation.

ARTICLE 36.

Par dérogation à l'article 35, si le territoire de l'ennemi n'a pas de frontière maritime, les articles de contrebande conditionnelle sont saisissables, lorsqu'il est établi qu'ils ont la destination prévue à l'article 33.

ARTICLE 37.

Le navire transportant des articles, qui sont saisissables comme contrebande absolue ou conditionnelle, peut être saisi, en haute mer ou dans les eaux des belligérants, pendant tout le cours de son voyage, même s'il a l'intention de toucher à un port d'escale avant d'atteindre la destination ennemie.

ARTICLE 38.

Une saisie ne peut être pratiquée en raison d'un transport de contrebande antérieurement effectué et actuellement achevé.

ARTICLE 39.

Les articles de contrebande sont sujets à confiscation.

goods, unless she is found clearly out of the course indicated by her papers, and unable to give adequate reasons to justify such deviation.

ARTICLE 36.

Notwithstanding the provisions of article 35, conditional contraband, if shown to have the destination referred to in article 33, is liable to capture in cases where the enemy country has no seaboard.

ARTICLE 37.

A vessel carrying goods liable to capture as absolute or conditional contraband may be captured on the high seas or in the territorial waters of the belligerents throughout the whole of her voyage, even if she is to touch at a port of call before reaching the hostile destination.

ARTICLE 38.

A vessel may not be captured on the ground that she has carried contraband on a previous occasion if such carriage is in point of fact at an end.

ARTICLE 39.

Contraband goods are liable to condemnation.

ARTICLE 40.

La confiscation du navire transportant de la contrebande est permise, si cette contrebande forme, soit par sa valeur, soit par son poids, soit par son volume, soit par son fret, plus de la moitié de la cargaison.

ARTICLE 41.

Si le navire transportant de la contrebande est relâché, les frais occasionnés au capteur par la procédure devant la juridiction nationale des prises ainsi que par la conservation du navire et de sa cargaison pendant l'instruction sont à la charge du navire.

ARTICLE 42.

Les marchandises qui appartiennent au propriétaire de la contrebande et qui se trouvent à bord du même navire sont sujettes à confiscation.

ARTICLE 43.

Si un navire est rencontré en mer naviguant dans l'ignorance des hostilités ou de la déclaration de contrebande applicable à son chargement, les articles de contrebande ne peuvent être confisqués que moyennant indemnité; le navire et le surplus de la cargaison sont exempts de la confiscation et des frais prévus par l'article 41. Il en est de même si le capitaine, après avoir eu connaissance de

ARTICLE 40.

A vessel carrying contraband may be condemned if the contraband, reckoned either by value, weight, volume, or freight, forms more than half the cargo.

ARTICLE 41.

If a vessel carrying contraband is released, she is liable for the costs and expenses incurred by the captor in respect of the proceedings in the national prize court and the custody of the ship and cargo during the proceedings.

ARTICLE 42.

Goods which belong to the owner of the contraband and are on board the same vessel are liable to condemnation.

ARTICLE 43.

If a vessel is encountered at sea while unaware of the outbreak of hostilities or of the declaration of contraband which applies to her cargo, the contraband can not be condemned except on payment of compensation; the vessel herself and the remainder of the cargo are not liable to condemnation or to the costs and expenses referred to in article 41. The same rule applies if the master, after becoming

l'ouverture des hostilités ou de la déclaration de contrebande, n'a pu encore décharger les articles de contrebande.

Le navire est réputé connaître l'état de guerre ou la déclaration de contrebande, lorsqu'il a quitté un port neutre, après que la notification de l'ouverture des hostilités ou de la déclaration de contrebande a été faite en temps utile à la puissance dont relève ce port. L'état de guerre est, en outre, réputé connu par le navire lorsqu'il a quitté un port ennemi après l'ouverture des hostilités.

ARTICLE 44.

Le navire arrêté pour cause de contrebande et non susceptible de confiscation à raison de la proportion de la contrebande peut être autorisé, suivant les circonstances, à continuer sa route, si le capitaine est prêt à livrer la contrebande au bâtiment belligérant.

La remise de la contrebande est mentionnée par le capteur sur le livre de bord du navire arrêté, et le capitaine de ce navire doit remettre au capteur copie certifiée conforme de tous papiers utiles.

Le capteur a la faculté de détruire la contrebande qui lui est ainsi livrée.

aware of the outbreak of hostilities, or of the declaration of contraband, has had no opportunity of discharging the contraband.

A vessel is deemed to be aware of the existence of a state of war, or of a declaration of contraband, if she left a neutral port subsequently to the notification to the power to which such port belongs of the outbreak of hostilities or of the declaration of contraband respectively, provided that such notification was made in sufficient time. A vessel is also deemed to be aware of the existence of a state of war if she left an enemy port after the outbreak of hostilities

ARTICLE 44.

A vessel which has been stopped on the ground that she is carrying contraband, and which is not liable to condemnation on account of the proportion of contraband on board, may, when the circumstances permit, be allowed to continue her voyage if the master is willing to hand over the contraband to the belligerent warship.

The delivery of the contraband must be entered by the captor on the logbook of the vessel stopped, and the master must give the captor duly certified copies of all relevant papers.

The captor is at liberty to destroy the contraband that has been handed over to him under these conditions.

CHAPITRE III. — *De l'assistance hostile.*

ARTICLE 45.

Un navire neutre est confisqué et, d'une manière générale, passible du traitement que subirait un navire neutre sujet à confiscation pour contrebande de guerre :

- (1) Lorsqu'il voyage spécialement en vue du transport de passagers individuels incorporés dans la force armée de l'ennemi, ou en vue de la transmission de nouvelles dans l'intérêt de l'ennemi.
- (2) Lorsqu'à la connaissance soit du propriétaire, soit de celui qui a affrété le navire en totalité, soit du capitaine, il transporte un détachement militaire de l'ennemi ou une ou plusieurs personnes qui, pendant le voyage, prêtent une assistance directe aux opérations de l'ennemi.

Dans les cas visés aux numéros précédents, les marchandises appartenant au propriétaire du navire sont également sujettes à confiscation.

Les dispositions du présent article ne s'appliquent pas si, lorsque le navire est rencontré en mer,

CHAPTER III. — *Unneutral service.*

ARTICLE 45.

A neutral vessel will be condemned and will, in a general way, receive the same treatment as a neutral vessel liable to condemnation for carriage of contraband: ✓

- (1) If she is on a voyage specially undertaken with a view to the transport of individual passengers who are embodied in the armed forces of the enemy, or with a view to the transmission of intelligence in the interest of the enemy. *proof*
- (2) If, to the knowledge of either the owner, the charterer, or the master, she is transporting a military detachment of the enemy, or one or more persons who, in the course of the voyage, directly assist the operations of the enemy. *proof*

In the cases specified under the above heads, goods belonging to the owner of the vessel are likewise liable to condemnation.

The provisions of the present article do not apply if the vessel is encountered at sea while unaware *111*

il ignore les hostilités ou si le capitaine, après avoir appris l'ouverture des hostilités, n'a pu encore débarquer les personnes transportées. Le navire est réputé connaître l'état de guerre, lorsqu'il a quitté un port ennemi après l'ouverture des hostilités ou un port neutre postérieurement à la notification en temps utile de l'ouverture des hostilités à la puissance dont relève ce port.

of the outbreak of hostilities, or if the master, after becoming aware of the outbreak of hostilities, has had no opportunity of disembarking the passengers. The vessel is deemed to be aware of the existence of a state of war if she left an enemy port subsequently to the outbreak of hostilities, or a neutral port subsequently to the notification of the outbreak of hostilities to the power to which such port belongs, provided that such notification was made in sufficient time.

ARTICLE 46.

Un navire neutre est confisqué et, d'une manière générale, passible du traitement qu'il subirait s'il était un navire de commerce ennemi:

- (1) Lorsqu'il prend une part directe aux hostilités.
- (2) Lorsqu'il se trouve sous les ordres ou sous le contrôle d'un agent placé à bord par le gouvernement ennemi.
- (3) Lorsqu'il est affrété en totalité par le gouvernement ennemi.
- (4) Lorsqu'il est actuellement et exclusivement affecté, soit au transport de troupes ennemies, soit à la transmission de nouvelles dans l'intérêt de l'ennemi.

ARTICLE 46.

A neutral vessel will be condemned and, in a general way, receive the same treatment as would be applicable to her if she were an enemy merchant vessel:

- (1) If she takes a direct part in the hostilities;
- (2) If she is under the orders or control of an agent placed on board by the enemy government;
- (3) If she is in the exclusive employment of the enemy government;
- (4) If she is exclusively engaged at the time either in the transport of enemy troops or in the transmission of intelligence in the interest of the enemy.

Dans les cas visés par le présent article, les marchandises appartenant au propriétaire du navire sont également sujettes à confiscation.

In the cases covered by the present article, goods belonging to the owner of the vessel are likewise liable to condemnation.

ARTICLE 47.

Tout individu incorporé dans la force armée de l'ennemi, et qui sera trouvé à bord d'un navire de commerce neutre, pourra être fait prisonnier de guerre, quand même il n'y aurait pas lieu de saisir ce navire.

Any individual embodied in the armed forces of the enemy who is found on board a neutral merchant vessel, may be made a prisoner of war, even though there be no ground for the capture of the vessel.

CHAPITRE IV. — *De la destruction des prises neutres.*

CHAPTER IV. — *Destruction of neutral prizes.*

ARTICLE 48.

Un navire neutre saisi ne peut être détruit par le capteur, mais il doit être conduit dans tel port qu'il appartiendra pour y être statué ce que de droit sur la validité de la capture.

A neutral vessel which has been captured may not be destroyed by the captor; she must be taken into such port as is proper for the determination there of all questions concerning the validity of the capture.

ARTICLE 49.

Par exception, un navire neutre, saisi par un bâtiment belligérant et qui serait sujet à confiscation, peut être détruit, si l'observation de l'article 48 peut compromettre la sécurité du bâtiment de guerre ou le succès des opérations dans lesquelles celui-ci est actuellement engagé.

As an exception, a neutral vessel which has been captured by a belligerent warship, and which would be liable to condemnation, may be destroyed if the observance of article 48 would involve danger to the safety of the warship or to the success of the operations in which she is engaged at the time.

ARTICLE 50.

Avant la destruction, les personnes qui se trouvent à bord devront être mises en sûreté, et tous les papiers de bord et autres pièces, que les intéressés estimeront utiles pour le jugement sur la validité de la capture, devront être transbordés sur le bâtiment de guerre.

ARTICLE 51.

Le capteur qui a détruit un navire neutre doit, préalablement à tout jugement sur la validité de la capture, justifier en fait n'avoir agi qu'en présence d'une nécessité exceptionnelle, comme elle est prévue à l'article 49. Faute par lui de ce faire, il est tenu à indemnité vis-à-vis des intéressés, sans qu'il y ait à rechercher si la capture était valable ou non.

ARTICLE 52.

Si la capture d'un navire neutre, dont la destruction a été justifiée, est ensuite déclarée nulle, le capteur doit indemniser les intéressés en remplacement de la restitution à laquelle ils auraient droit.

ARTICLE 53.

Si des marchandises neutres qui n'étaient pas susceptibles de confiscation ont été détruites avec le navire, le propriétaire de ces marchandises a droit à une indemnité.

ARTICLE 50.

Before the vessel is destroyed all persons on board must be placed in safety, and all the ship's papers and other documents which the parties interested consider relevant for the purpose of deciding on the validity of the capture must be taken on board the warship.

ARTICLE 51.

A captor who has destroyed a neutral vessel must, prior to any decision respecting the validity of the capture, establish that he only acted in the face of an exceptional necessity of the nature contemplated in article 49. If he fails to do this, he must compensate the parties interested and no examination shall be made of the question whether the capture was valid or not.

ARTICLE 52.

If the capture of a neutral vessel is subsequently held to be invalid, though the act of destruction has been held to have been justifiable, the captor must pay compensation to the parties interested, in place of the restitution to which they would have been entitled.

ARTICLE 53.

If neutral goods not liable to condemnation have been destroyed with the vessel, the owner of such goods is entitled to compensation.

Dans les cas visés par le présent article, les marchandises appartenant au propriétaire du navire sont également sujettes à confiscation.

In the cases covered by the present article, goods belonging to the owner of the vessel are likewise liable to condemnation.

ARTICLE 47.

Tout individu incorporé dans la force armée de l'ennemi, et qui sera trouvé à bord d'un navire de commerce neutre, pourra être fait prisonnier de guerre, quand même il n'y aurait pas lieu de saisir ce navire.

ARTICLE 47.

Any individual embodied in the armed forces of the enemy who is found on board a neutral merchant vessel, may be made a prisoner of war, even though there be no ground for the capture of the vessel.

CHAPITRE IV. — *De la destruction des prises neutres.*

CHAPTER IV. — *Destruction of neutral prizes.*

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Un navire neutre saisi ne peut être détruit par le capteur, mais il doit être conduit dans tel port qu'il appartiendra pour y être statué ce que de droit sur la validité de la capture.

ARTICLE 48.

A neutral vessel which has been captured may not be destroyed by the captor; she must be taken into such port as is proper for the determination there of all questions concerning the validity of the capture.

ARTICLE 49.

Par exception, un navire neutre, saisi par un bâtiment belligérant et qui serait sujet à confiscation, peut être détruit, si l'observation de l'article 48 peut compromettre la sécurité du bâtiment de guerre ou le succès des opérations dans lesquelles celui-ci est actuellement engagé.

ARTICLE 49.

As an exception, a neutral vessel which has been captured by a belligerent warship, and which would be liable to condemnation, may be destroyed if the observance of article 48 would involve danger to the safety of the warship or to the success of the operations in which she is engaged at the time.

Dans les cas visés par le présent article, les marchandises appartenant au propriétaire du navire sont également sujettes à confiscation.

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As an exception, a neutral vessel which has been captured by a belligerent warship, and which would be liable to condemnation, may be destroyed if the observance of article 48 would involve danger to the safety of the warship or to the success of the operations in which she is engaged at the time.

ARTICLE 54.

Le capteur a la faculté d'exiger la remise ou de procéder à la destruction des marchandises confisquables trouvées à bord d'un navire qui lui-même n'est pas sujet à confiscation, lorsque les circonstances sont telles que, d'après l'article 49, elles justifieraient la destruction d'un navire passible de confiscation. Il mentionne les objets livrés ou détruits sur le livre de bord du navire arrêté et se fait remettre par le capitaine copie certifiée conforme de tous papiers utiles. Lorsque la remise ou la destruction a été effectuée et que les formalités ont été remplies, le capitaine doit être autorisé à continuer sa route.

Les dispositions des articles 51 et 52 concernant la responsabilité du capteur qui a détruit un navire neutre sont applicables.

CHAPITRE V. — *Du transfert de pavillon.*

ARTICLE 55.

Le transfert sous pavillon neutre d'un navire ennemi, effectué avant l'ouverture des hostilités, est valable à moins qu'il soit établi que ce transfert a été effectué en vue d'éluder les conséquences qu'entraîne le caractère de navire ennemi. Il y a néanmoins présomption de nullité si l'acte de transfert ne se trouve pas à bord, alors

ARTICLE 54.

The captor has the right to demand the handing over, or to proceed himself to the destruction of, any goods liable to condemnation found on board a vessel not herself liable to condemnation, provided that the circumstances are such as would, under article 49, justify the destruction of a vessel herself liable to condemnation. The captor must enter the goods surrendered or destroyed in the logbook of the vessel stopped, and must obtain duly certified copies of all relevant papers. When the goods have been handed over or destroyed and the formalities duly carried out, the master must be allowed to continue his voyage.

The provisions of articles 51 and 52 respecting the obligations of a captor who has destroyed a neutral vessel are applicable.

CHAPTER V. — *Transfer to a neutral flag.*

ARTICLE 55.

The transfer of an enemy vessel to a neutral flag, effected before the outbreak of hostilities, is valid, unless it is proved that such transfer was made in order to evade the consequences to which an enemy vessel, as such, is exposed. There is, however, a presumption, if the bill of sale is not on board a vessel which has lost her belligerent

que le navire a perdu la nationalité belligérante moins de soixante jours avant l'ouverture des hostilités; la preuve contraire est admise.

Il y a présomption absolue de validité d'un transfert effectué plus de trente jours avant l'ouverture des hostilités, s'il est absolu, complet, conforme à la législation des pays intéressés, et s'il a cet effet que le contrôle du navire et le bénéfice de son emploi ne restent pas entre les mêmes mains qu'avant le transfert. Toutefois, si le navire a perdu la nationalité belligérante moins de soixante jours avant l'ouverture des hostilités et si l'acte de transfert ne se trouve pas à bord, la saisie du navire ne pourra donner lieu à des dommages et intérêts.

ARTICLE 56.

Le transfert sous pavillon neutre d'un navire ennemi, effectué après l'ouverture des hostilités, est nul, à moins qu'il soit établi que ce transfert n'a pas été effectué en vue d'éluder les conséquences qu'entraîne le caractère de navire ennemi.

Toutefois, il y a présomption absolue de nullité:

- (1) Si le transfert a été effectué pendant que le navire est en voyage ou dans un port bloqué.

nationality less than sixty days before the outbreak of hostilities, that the transfer is void. This presumption may be rebutted.

Where the transfer was effected more than thirty days before the outbreak of hostilities, there is an absolute presumption that it is valid if it is unconditional, complete, and in conformity with the laws of the countries concerned, and if its effect is such that neither the control of, nor the profits arising from the employment of, the vessel remain in the same hands as before the transfer. If, however, the vessel lost her belligerent nationality less than sixty days before the outbreak of hostilities and if the bill of sale is not on board, the capture of the vessel gives no right to compensation.

ARTICLE 56.

The transfer of an enemy vessel to a neutral flag, effected after the outbreak of hostilities, is void unless it is proved that such transfer was not made in order to evade the consequences to which an enemy vessel, as such, is exposed.

There is, however, an absolute presumption that a transfer is void:

- (1) If the transfer has been made during a voyage or in a blockaded port.

- | | |
|--|--|
| <p>(2) S'il y a faculté de réméré ou de retour.</p> <p>(3) Si les conditions, auxquelles est soumis le droit de pavillon d'après la législation du pavillon arboré, n'ont pas été observées.</p> | <p>(2) If a right to repurchase or recover the vessel is reserved to the vendor.</p> <p>(3) If the requirements of the municipal law governing the right to fly the flag under which the vessel is sailing, have not been fulfilled.</p> |
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CHAPITRE VI. — *Du caractère ennemi.*

CHAPTER VI. — *Enemy character.*

ARTICLE 57.

Sous réserve des dispositions relatives au transfert de pavillon, le caractère neutre ou ennemi du navire est déterminé par le pavillon qu'il a le droit de porter.

Le cas où le navire neutre se livre à une navigation réservée en temps de paix reste hors de cause et n'est nullement visé par cette règle.

ARTICLE 57.

Subject to the provisions respecting transfer to another flag, the neutral or enemy character of a vessel is determined by the flag which she is entitled to fly.

The case where a neutral vessel is engaged in a trade which is closed in time of peace, remains outside the scope of, and is in no wise affected by, this rule.

ARTICLE 58.

Le caractère neutre ou ennemi des marchandises trouvées à bord d'un navire ennemi est déterminé par le caractère neutre ou ennemi de leur propriétaire.

ARTICLE 58.

The neutral or enemy character of goods found on board an enemy vessel is determined by the neutral or enemy character of the owner.

ARTICLE 59.

Si le caractère neutre de la marchandise trouvée à bord d'un navire ennemi n'est pas établi, la marchandise est présumée ennemie.

ARTICLE 59.

In the absence of proof of the neutral character of goods found on board an enemy vessel, they are presumed to be enemy goods.

ARTICLE 60.

Le caractère ennemi de la marchandise chargée à bord d'un navire ennemi subsiste jusqu'à l'arrivée à destination, nonobstant un transfert intervenu pendant le cours de l'expédition, après l'ouverture des hostilités.

Toutefois, si, antérieurement à la capture, un précédent propriétaire neutre exerce, en cas de faillite du propriétaire ennemi actuel, un droit de revendication légale sur la marchandise, celle-ci reprend le caractère neutre.

ARTICLE 60.

Enemy goods on board an enemy vessel retain their enemy character until they reach their destination, notwithstanding any transfer effected after the outbreak of hostilities while the goods are being forwarded.

If, however, prior to the capture, a former neutral owner exercises, on the bankruptcy of an existing enemy owner, a recognized legal right to recover the goods, they regain their neutral character.

CHAPITRE VII. — *Du convoi.*

ARTICLE 61.

Les navires neutres sous convoi de leur pavillon sont exempts de visite. Le commandant du convoi donne par écrit, à la demande du commandant d'un bâtiment de guerre belligérant, sur le caractère des navires et sur leur chargement, toutes informations que la visite servirait à obtenir.

ARTICLE 62.

Si le commandant du bâtiment de guerre belligérant a lieu de soupçonner que la religion du commandant du convoi a été surprise, il lui communique ses soupçons. C'est au commandant du convoi seul qu'il appartient en ce cas de procéder à une vérification. Il doit

CHAPTER VII. — *Convoy.*

ARTICLE 61.

Neutral vessels under national convoy are exempt from search. The commander of a convoy gives, in writing, at the request of the commander of a belligerent warship, all information as to the character of the vessels and their cargoes, which could be obtained by search.

ARTICLE 62.

If the commander of the belligerent warship has reason to suspect that the confidence of the commander of the convoy has been abused, he communicates his suspicions to him. In such a case it is for the commander of the convoy alone to investigate the matter. He

constater le résultat de cette vérification par un procès-verbal dont une copie est remise à l'officier du bâtiment de guerre. Si des faits ainsi constatés justifient, dans l'opinion du commandant du convoi, la saisie d'un ou de plusieurs navires, la protection du convoi doit leur être retirée.

must record the result of such investigation in a report, of which a copy is handed to the officer of the warship. If, in the opinion of the commander of the convoy, the facts shown in the report justify the capture of one or more vessels, the protection of the convoy must be withdrawn from such vessels.

CHAPITRE VIII. — *De la résistance à la visite.*

ARTICLE 63.

La résistance opposée par la force à l'exercice légitime du droit d'arrêt, de visite et de saisie entraîne, dans tous les cas, la confiscation du navire. Le chargement est passible du même traitement que subirait le chargement d'un navire ennemi; les marchandises appartenant au capitaine ou au propriétaire du navire sont considérées comme marchandises ennemies.

CHAPTER VIII. — *Resistance to search.*

ARTICLE 63.

Forcible resistance to the legitimate exercise of the right of stoppage, search, and capture, involves in all cases the condemnation of the vessel. The cargo is liable to the same treatment as the cargo of an enemy vessel. Goods belonging to the master or owner of the vessel are treated as enemy goods.

CHAPITRE IX. — *Des dommages et intérêts.*

ARTICLE 64.

Si la saisie du navire ou des marchandises n'est pas validée par la juridiction des prises ou si, sans qu'il y ait eu de mise en jugement, la saisie n'est pas maintenue, les intéressés ont droit à des dommages et intérêts, à moins qu'il y ait eu des motifs suffisants de saisir le navire ou les marchandises.

CHAPTER IX. — *Compensation.*

ARTICLE 64.

If the capture of a vessel or of goods is not upheld by the prize court, or if the prize is released without any judgment being given, the parties interested have the right to compensation, unless there were good reasons for capturing the vessel or goods.

DISPOSITIONS FINALES.

ARTICLE 65.

Les dispositions de la présente Déclaration forment un ensemble indivisible.

ARTICLE 66.

Les puissances signataires s'engagent à s'assurer, dans le cas d'une guerre où les belligérants seraient tous parties à la présente Déclaration, l'observation réciproque des règles contenues dans cette Déclaration. Elles donneront, en conséquence, à leurs autorités et à leurs forces armées les instructions nécessaires et prendront les mesures qu'il conviendra pour en garantir l'application par leurs tribunaux, spécialement par leurs tribunaux de prises.

ARTICLE 67..

La présente Déclaration sera ratifiée aussitôt que possible.

Les ratifications seront déposées à Londres.

Le premier dépôt de ratifications sera constaté par un procès-verbal signé par les représentants des puissances qui y prennent part, et par le Principal Secrétaire d'État de Sa Majesté Britannique au Département des Affaires Étrangères.

Les dépôts ultérieurs de ratifications se feront au moyen d'une notification écrite adressée au Gouvernement Britannique et accompagnée de l'instrument de ratification.

FINAL PROVISIONS.

ARTICLE 65.

The provisions of the present Declaration must be treated as a whole, and cannot be separated.

ARTICLE 66.

The signatory powers undertake to insure the mutual observance of the rules contained in the present Declaration in any war in which all the belligerents are parties thereto. They will therefore issue the necessary instructions to their authorities and to their armed forces, and will take such measures as may be required in order to insure that it will be applied by their courts, and more particularly by their prize courts.

ARTICLE 67.

The present Declaration shall be ratified as soon as possible.

The ratifications shall be deposited in London.

The first deposit of ratifications shall be recorded in a protocol signed by the representatives of the powers taking part therein, and by His Britannic Majesty's Principal Secretary of State for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification addressed to the British Government, and accompanied by the instrument of ratification.

Copie certifiée conforme du procès-verbal relatif au premier dépôt des ratifications, des notifications mentionnées à l'alinéa précédent, ainsi que des instruments de ratification qui les accompagnent, sera immédiatement, par les soins du Gouvernement Britannique et par la voie diplomatique, remise aux puissances signataires. Dans les cas visés par l'alinéa précédent, le dit gouvernement leur fera connaître en même temps la date à laquelle il a reçu la notification.

ARTICLE 68.

La présente Déclaration produira effet, pour les puissances qui auront participé au premier dépôt de ratifications, soixante jours après la date du procès-verbal de ce dépôt et, pour les puissances qui ratifieront ultérieurement, soixante jours après que la notification de leur ratification aura été reçue par le Gouvernement Britannique.

ARTICLE 69.

S'il arrivait qu'une des puissances signataires voulût dénoncer la présente Déclaration, elle ne pourra le faire que pour la fin d'une période de douze ans commençant à courir soixante jours après le premier dépôt de ratifications et, ensuite, pour la fin de périodes successives de six ans, dont la première commencera à l'expiration de la période de douze ans.

A duly certified copy of the protocol relating to the first deposit of ratifications, and of the notifications mentioned in the preceding paragraph as well as of the instruments of ratification which accompany them, shall be immediately sent by the British Government, through the diplomatic channel, to the signatory powers. The said government shall, in the cases contemplated in the preceding paragraph, inform them at the same time of the date on which it received the notification.

ARTICLE 68.

The present Declaration shall take effect, in the case of the powers which were parties to the first deposit of ratifications, sixty days after the date of the protocol recording such deposit, and, in the case of the powers which shall ratify subsequently, sixty days after the notification of their ratification shall have been received by the British Government.

ARTICLE 69.

In the event of one of the signatory powers wishing to denounce the present Declaration, such denunciation can only be made to take effect at the end of a period of twelve years, beginning sixty days after the first deposit of ratifications, and, after that time, at the end of successive periods of six years, of which the first will begin at the end of the period of twelve years.

La dénonciation devra être, au moins un an à l'avance, notifiée par écrit au Gouvernement Britannique, qui en donnera connaissance à toutes les autres puissances.

Elle ne produira ses effets qu'à l'égard de la puissance qui l'aura notifiée.

ARTICLE 70.

Les puissances représentées à la Conférence Navale de Londres, attachant un prix particulier à la reconnaissance générale des règles adoptées par elles, expriment l'espoir que les puissances qui n'y étaient pas représentées adhéreront à la présente Déclaration. Elles prient le Gouvernement Britannique de vouloir bien les inviter à le faire.

La puissance qui désire adhérer notifie par écrit son intention au Gouvernement Britannique, en lui transmettant l'acte d'adhésion, qui sera déposé dans les archives dudit gouvernement.

Ce gouvernement transmettra immédiatement à toutes les autres puissances copie certifiée conforme de la notification, ainsi que de l'acte d'adhésion, en indiquant la date à laquelle il a reçu la notification. L'adhésion produira effet soixante jours après cette date.

La situation des puissances adhérentes sera, en tout ce qui concerne cette Déclaration, assimilée à la situation des puissances signataires.

Such denunciation must be notified in writing, at least one year in advance, to the British Government, which shall inform all the other powers.

It will only operate in respect of the denouncing power.

ARTICLE 70.

The powers represented at the London Naval Conference attach particular importance to the general recognition of the rules which they have adopted, and therefore express the hope that the powers which were not represented there will accede to the present Declaration. They request the British Government to invite them to do so.

A power which desires to accede shall notify its intention in writing to the British Government, and transmit simultaneously the act of accession, which will be deposited in the archives of the said government.

The said government shall forthwith transmit to all the other powers a duly certified copy of the notification, together with the act of accession, and communicate the date on which such notification was received. The accession takes effect sixty days after such date.

In respect of all matters concerning this Declaration, acceding powers shall be on the same footing as the signatory powers.

ARTICLE 71.

La présente Déclaration, qui portera la date du 26 février 1909, pourra être signée à Londres jusqu'au 30 juin 1909, par les plénipotentiaires des puissances représentées à la Conférence Navale.

En foi de quoi, les plénipotentiaires ont revêtu la présente Déclaration de leurs signatures et y ont apposé leurs cachets.

Fait à Londres, le vingt-six février mil neuf cent neuf, en un seul exemplaire, qui restera déposé dans les archives du Gouvernement Britannique et dont des copies, certifiées conformes, seront remise par la voie diplomatique aux puissances représentées à la Conférence Navale.

Pour l'Allemagne: ⁴

KRIEGE.

Pour les États-Unis d'Amérique:

C. H. STOCKTON.

GEORGE GRAFTON WILSON.

Pour l'Autriche-Hongrie:

C. DUMBA.

Pour la France:

L. RENAULT.

Pour la Grande-Bretagne:

DESART.

Pour les Pays-Bas:

J. A. ROËLL.

L. H. RUYSSENAERS.

ARTICLE 71.

The present Declaration, which bears the date of the 26th February, 1909, may be signed in London up till the 30th June, 1909, by the plenipotentiaries of the powers represented at the Naval Conference.

In faith whereof the plenipotentiaries have signed the present Declaration, and have thereto affixed their seals.

Done at London, the twenty-sixth day of February, one thousand nine hundred and nine, in a single original, which shall remain deposited in the archives of the British Government, and of which duly certified copies shall be sent through the diplomatic channel to the powers represented at the Naval Conference.

For Germany: ⁴

KRIEGE.

For the United States of America:

C. H. STOCKTON.

GEORGE GRAFTON WILSON.

For Austria-Hungary:

C. DUMBA.

For France:

L. RENAULT.

For Great Britain:

DESART.

For the Netherlands:

J. A. ROËLL.

L. H. RUYSSENAERS.

⁴ List of signatures appended to the Declaration of February 26, 1909, up to March 20, 1909.

ARBITRATION CONVENTION BETWEEN THE UNITED STATES AND CHINA.¹

*Signed at Washington, October 8, 1908; Ratified, March 1, 1909;
Proclaimed, April 6, 1909.*

The President of the United States of America and His Majesty the Emperor of China, taking into consideration the fact that the high contracting parties to the convention for the pacific settlement of international disputes, concluded at The Hague on the 29th July, 1899, have reserved to themselves, by article XIX of that convention, the right of concluding agreements, with a view to referring to arbitration all questions which they shall consider possible to submit to such treatment, have resolved to conclude an arbitration convention between the two countries, and for that purpose have named as their plenipotentiaries, that is to say:

The President of the United States of America, Elihu Root, Secretary of State of the United States of America; and

His Majesty the Emperor of China, Wu Ting-fang, Envoy Extraordinary and Minister Plenipotentiary to the United States of America, Mexico, Peru, and Cuba;

Who, after having communicated to each other their full powers, found to be in good and due form, have agreed upon and concluded the following articles:

ARTICLE I.

Differences which may arise of a legal nature or relating to the interpretation of treaties existing between the two contracting parties, and which it may not have been possible to settle by diplomacy, shall be referred to the Permanent Court of Arbitration established at The Hague by the convention of the 29th July, 1899, provided, nevertheless, that they do not affect the vital interests, the independence, or the honor of the two contracting states, and do not concern the interests of third parties.

ARTICLE II.

In each individual case the high contracting parties before appealing to the Permanent Court of Arbitration shall conclude a special agreement defining clearly the matter in dispute, the scope of the powers of the arbitrators, and the periods to be fixed for the formation of the arbitral tribunal and the several stages of the procedure. It is under-

¹ U. S. Treaty Series, No. 522.

stood that such special agreements will be made on the part of the United States by the President of the United States by and with the advice and consent of the Senate thereof.

ARTICLE III.

The present convention shall remain in force for the period of five years from the date of the exchange of the ratifications.

ARTICLE IV.

The present convention shall be ratified by the high contracting parties, and the ratifications thereof shall be exchanged at Washington as soon as possible.

In witness whereof, the respective plenipotentiaries have signed the present convention, and have thereunto affixed their seals.

Done at the city of Washington, in duplicate, this 8th day of October, one thousand nine hundred and eight, corresponding to the 14th day of the 9th month of the 34th year of Kuang Hsü.

ELIHU ROOT. [SEAL]

WU TING FANG. [SEAL]

ARBITRATION CONVENTION BETWEEN THE UNITED STATES AND AUSTRIA-HUNGARY.¹

Signed at Washington, January 15, 1909; Ratified, March 1, 1909; Proclaimed, May 18, 1909.

The President of the United States of America and His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary, signatories of the convention for the pacific settlement of international disputes, concluded at The Hague on the 29th July, 1899;

Taking into consideration that by article 19 of that convention the high contracting parties have reserved to themselves the right of concluding agreements, with a view to referring to arbitration all questions which they shall consider possible to submit to such treatment, have resolved to conclude the following convention and for that purpose have appointed their plenipotentiaries:

The President of the United States of America, Elihu Root, Secretary of State of the United States; and

¹ U. S. Treaty Series, No. 524.

His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary, Baron Ladislaus Hengelmüller de Hengervár, Grand Cross of the Orders of Leopold and Francis Joseph, 3rd Class Knight of the Order of the Iron Crown, His Majesty's Privy Counselor and Ambassador Extraordinary and Plenipotentiary to the United States of America;

Who after communicating to each other their respective full powers, found in good and due form, have agreed upon the following articles:

ARTICLE I.

Differences which may arise of a legal nature, or relating to the interpretation of treaties existing between the high contracting parties, and which it may not have been possible to settle by diplomacy, shall be referred to the Permanent Court of Arbitration established at The Hague by the convention of the 29th July, 1899; provided, nevertheless, that they do not affect the vital interests, the independence, or the honor of the high contracting parties, and do not concern the interests of third parties.

ARTICLE II.

In each individual case the high contracting parties, before appealing to the Permanent Court of Arbitration, shall conclude a special agreement defining clearly the matter in dispute, the scope of the powers of the arbitrators, and the periods to be fixed for the formation of the arbitral tribunal and the several stages of the procedure.

It is understood that such special agreements on the part of the United States will be made by the President of the United States by and with the advice and consent of the Senate thereof.

Such agreements shall be binding only when confirmed by the governments of the high contracting parties by an exchange of notes.

ARTICLE III.

The present convention shall be ratified by the high contracting parties, and the ratifications shall be exchanged as soon as possible at Washington.

The present convention shall remain in force for five years from the fifteenth day after the date of the exchange of the ratifications.

In testimony whereof the respective plenipotentiaries have signed this convention and have affixed thereto their seals.

Done in duplicate at Washington the 15th day of January, 1909.

ELIHU ROOT. [SEAL]

HENGELMÜLLER. [SEAL]

AGREEMENT BETWEEN THE UNITED STATES AND VENEZUELA FOR THE
DECISION AND ADJUSTMENT OF CERTAIN CLAIMS.

Signed at Caracas on February 13, 1909.

William I. Buchanan, High Commissioner, representing the President of the United States of America, and Doctor Francisco González Guinán, Minister for Foreign Affairs of the United States of Venezuela, duly authorized by General Juan Vicente Gomez, Vice-President of the United States of Venezuela, in charge of the Presidency of the Republic, having exhibited to each other and found in due form their respective powers, and animated by the spirit of sincere friendship that has always existed and should exist between the two nations they represent, having conferred during repeated and lengthy conferences concerning the manner of amicably and equitably adjusting the differences existing between their respective governments with regard to the claims pending between them, since neither the United States of America nor the United States of Venezuela aspires to anything other than sustaining that to which in justice and equity it is entitled; and as a result of these conferences have recognized the great importance of arbitration as a means toward maintaining the good understanding which should exist and increase between their respective nations, and to the end of avoiding hereafter, so far as possible, differences between them, they believe it is from every point of view desirable that a treaty of arbitration shall be adjusted between their respective governments.

With respect to the claims that have been the subject of their long and friendly conferences, William I. Buchanan and Doctor Francisco González Guinán have found that the opinions and views concerning them sustained by their respective governments have been, and are, so diametrically opposed and so different that they have found it difficult to adjust them by common accord; wherefore it is necessary to resort to the conciliatory means of arbitration, a measure to which the two nations they represent are mutually bound by their signatures to the treaties of the Second Peace Conference at The Hague in 1907, and one which is recognized by the entire civilized world as the only satisfactory means of terminating international disputes.

Being so convinced, and firm in their resolution not to permit, for any reason whatever, the cordiality that has always existed between their respective countries to be disturbed, the said William I. Buchanan and Doctor Francisco González Guinán, thereunto fully authorized, have

adjusted, agreed to and signed the present protocol for the settlement of the said claims against the United States of Venezuela, which are as follows:

1. The claim of the United States of America on behalf of the Orinoco Steamship Company;
2. The claim of the United States of America on behalf of the Orinoco Corporation and of its predecessors in interest, The Manoa Company Limited, The Orinoco Company and The Orinoco Company Limited; and,
3. The claim of the United States of America on behalf of the United States and Venezuela Company, also known as the Crichfield claim.

ARTICLE I.

With respect to the first of these claims, that of the Orinoco Steamship Company, the United States of Venezuela has upheld the immutability of the arbitral decision of Umpire Barge, rendered in this case, alleging that said decision does not suffer from any of the causes which by universal jurisprudence give rise to its nullity, but rather that it is of an unappealable character, since the *compromis* of arbitration can not be considered as void, nor has there been an excessive exercise of jurisdiction, nor can the corruption of the judges be alleged, nor an essential error in the judgment; while on the other hand, the United States of America, citing practical cases, among them the case of the revision, with the consent of the United States of America, of the arbitral awards rendered by the American-Venezuelan Mixed Commission created by the convention of April 25, 1866, and basing itself on the circumstances of the case, considering the principles of international law and of universal jurisprudence, has upheld not only the admissibility but the necessity of the revision of said award; in consequence of this situation, William I. Buchanan and Doctor Francisco González Guinán, in the spirit that has marked their conferences, have agreed to submit this case to the elevated criterion of the arbitral tribunal created by this protocol, in the following form:

The arbitral tribunal shall first decide whether the decision of Umpire Barge, in this case, in view of all the circumstances and under the principles of international law, is not void, and whether it must be considered so conclusive as to preclude a reexamination of the case on its merits. If the arbitral tribunal decides that said decision must be considered final, the case will be considered by the United States of America as

AGREEMENT BETWEEN THE UNITED STATES AND VENEZUELA FOR THE
DECISION AND ADJUSTMENT OF CERTAIN CLAIMS.*Signed at Caracas on February 13, 1909.*

William I. Buchanan, High Commissioner, representing the President of the United States of America, and Doctor Francisco González Guinán, Minister for Foreign Affairs of the United States of Venezuela, duly authorized by General Juan Vicente Gomez, Vice-President of the United States of Venezuela, in charge of the Presidency of the Republic, having exhibited to each other and found in due form their respective powers, and animated by the spirit of sincere friendship that has always existed and should exist between the two nations they represent, having conferred during repeated and lengthy conferences concerning the manner of amicably and equitably adjusting the differences existing between their respective governments with regard to the claims pending between them, since neither the United States of America nor the United States of Venezuela aspires to anything other than sustaining that to which in justice and equity it is entitled; and as a result of these conferences have recognized the great importance of arbitration as a means toward maintaining the good understanding which should exist and increase between their respective nations, and to the end of avoiding hereafter, so far as possible, differences between them, they believe it is from every point of view desirable that a treaty of arbitration shall be adjusted between their respective governments.

With respect to the claims that have been the subject of their long and friendly conferences, William I. Buchanan and Doctor Francisco González Guinán have found that the opinions and views concerning them sustained by their respective governments have been, and are, so diametrically opposed and so different that they have found it difficult to adjust them by common accord; wherefore it is necessary to resort to the conciliatory means of arbitration, a measure to which the two nations they represent are mutually bound by their signatures to the treaties of the Second Peace Conference at The Hague in 1907, and one which is recognized by the entire civilized world as the only satisfactory means of terminating international disputes.

Being so convinced, and firm in their resolution not to permit, for any reason whatever, the cordiality that has always existed between their respective countries to be disturbed, the said William I. Buchanan and Doctor Francisco González Guinán, thereunto fully authorized, have

closed; but on the other hand, if the arbitral tribunal decides that said decision of Umpire Barge should not be considered as final, said arbitral tribunal shall then hear, examine and determine the case and render its decision on the merits.

ARTICLE II.

During the many conferences regarding the matter of the United States of America on behalf of the Orinoco Corporation and of its predecessors in interest against the United States of Venezuela, held between William I. Buchanan, High Commissioner, representing the President of the United States of America, and Doctor Francisco González Guinán, Minister for Foreign Affairs of Venezuela, they have found the views and conclusions held and maintained by their respective governments with respect to the rights and claims of the claimant company so diametrically opposed to each other, as to make it impossible to reconcile them through the medium of direct negotiations between their governments.

Among these they have encountered the allegation of the United States of America, on behalf of the claimant company, that by the act of the National Congress of Venezuela, and by resolutions and other acts of the executive power thereof, the rights and claims insisted upon and claimed by the United States of America on behalf of the claimant company, in and under the Fitzgerald concession, the origin of the present case, are firmly recognized and affirmed as subsistent and valid, and that the government of Venezuela has insisted and insists that the decision of Umpire Barge of April 12, 1904, which Venezuela considers irrevocable, and the decision handed down by the Federal Court and of Cassation of Venezuela on March 18, 1908, furnish of and in themselves conclusive proof against the rights and the pretensions of the claimant company, since said company, even though it be accepted as the assignee of the others, has not established itself in accordance with the laws of Venezuela, and even though it had so established itself, it was beforehand subjected to Venezuelan laws and it was agreed that these should govern and decide the contentions and differences that might arise; whereas the United States of America, on behalf of the claimant company, has declined and declines in any manner to admit that said decision of Umpire Barge or that of the Federal Court and of Cassation of Venezuela could terminate or has terminated or extinguished the rights and claims asserted by the claimant company under said Fitzgerald contract,

but that on the contrary the rights and claims asserted in connection therewith by the claimant company are valid and subsisting.

In view of these and other equally conflicting conclusions reached and persistently maintained by their respective governments with regard to this case, the representatives herein named, animated by a firm resolve to do all in their power to maintain and increase a good understanding between their governments, and by a fixed desire to provide for the adjustment of the differences existing between them in this case, in justice and equity, can not escape the conclusion that the same cordial spirit which has prevailed in their many conferences already held counsels and points to the expediency and necessity of submitting this case to an impartial international tribunal in order that the differences arising therefrom may be once and for all determined and concluded in a just and equitable manner. To reach this desirable end, and in accordance with the principles set out:

It is agreed between William I. Buchanan, High Commissioner, representing the President of the United States of America, and Doctor Francisco González Guinán, Minister for Foreign Affairs of the United States of Venezuela, duly authorized to this end by their respective governments, that the matter of the United States of America, on behalf of the Orinoco Corporation and of its predecessors in interest, The Manoa Company Limited, The Orinoco Company and The Orinoco Company Limited, shall be submitted to the arbitral tribunal created by this protocol.

Said arbitral tribunal shall examine and decide:

1. Whether the decision of Umpire Barge of April 12, 1904, under the principles of international law is not void and whether it preserves a conclusive character, in the case of the predecessors in interest of the claimant company against Venezuela;

2. If the arbitral tribunal decides that said decision shall be considered conclusive, it shall then decide what effect said decision had with respect to the subsistence of the Fitzgerald contract, at that date, and with respect to the rights of the claimant company or those of its predecessors in interest in said contract;

3. If it decides that the decision of said Umpire Barge shall not be considered conclusive, said arbitral tribunal shall examine on their merits and shall decide the matters submitted to said Umpire by the predecessors in interest of the claimant company;

4. The arbitral tribunal shall examine, consider and decide whether

there has been manifest injustice done the claimant company or its predecessors in interest regarding the Fitzgerald contract through the decision of the Federal Court and of Cassation, rendered March 18, 1908, in the suit maintained by the government of Venezuela against the predecessors in interest of the claimant company, or through any of the acts of any of the authorities of the government of Venezuela.

If the arbitral tribunal decides that such injustice has been done, it is empowered to examine the matter of the claimant company and of its predecessors in interest against the government of Venezuela on its merits, and to render a final decision with respect to the rights and the obligations of the parties, fixing such damages as in its elevated judgment it believes to be just and equitable.

In every event the arbitral tribunal shall decide:

(a) What effect, if any, said decision of the Federal Court and of Cassation produced and has upon everything relating to the rights of the claimant company as assignee of the Fitzgerald contract;

(b) Whether said Fitzgerald contract is in force; and,

(c) If it determines that said contract is in force, then, what are the rights and the obligations of the claimant company on the one hand, and of the government of Venezuela on the other.

ARTICLE III.

William I. Buchanan, High Commissioner, representing the President of the United States of America, and Doctor Francisco González Guinán, Minister for Foreign Affairs of the United States of Venezuela, have carefully considered in the conferences they have held, the matter of the United States of America on behalf of the United States and Venezuela Company against the United States of Venezuela, also known as the Crichfield case, and have found that while the questions involved therein differ in several aspects from those in the other claims they have considered, the same radically different views held by their respective governments in those cases exist in the case under consideration.

To the end therefore, that nothing shall be left pending that will not tend to add to the good understanding and friendship existing between the two governments, their representatives above-named, William I. Buchanan and Doctor Francisco González Guinán hereby agree that the matter of the United States of America on behalf of the United States and Venezuela Company against the United States of Venezuela shall be submitted to the arbitral tribunal created by this protocol, and they

further agree that said tribunal is empowered to examine, consider, hear, determine and make its award in said case on its merits in justice and equity.

ARTICLE IV.

The United States of America and the United States of Venezuela having, at the Second Peace Conference held at The Hague in 1907, accepted and recognized the permanent court of The Hague, it is agreed that the cases mentioned in articles I, II, and III of this protocol, that is to say, the case of the Orinoco Steamship Company, that of the Orinoco Corporation and of its predecessors in interest and that of the United States and Venezuela Company, shall be submitted to the jurisdiction of an arbitral tribunal composed of three arbitrators chosen from the above-mentioned permanent court of The Hague.

No member of said court who is a citizen of the United States of America or of the United States of Venezuela shall form part of said arbitral tribunal, and no member of said court can appear as counsel for either nation before said tribunal.

This arbitral tribunal shall sit at The Hague.

ARTICLE V.

The said arbitral tribunal shall, in each case submitted to it, determine, decide and make its award, in accordance with justice and equity. Its decisions in each case shall be accepted and upheld by the United States of America and the United States of Venezuela as final and conclusive.

ARTICLE VI.

In the presentation of the cases to the arbitral tribunal both parties may use the French, English or Spanish language.

ARTICLE VII.

Within eight months from the date of this protocol, each of the parties shall present to the other and to each of the members of the arbitral tribunal, two printed copies of its case, with the documents and evidence on which it relies, together with the testimony of its respective witnesses.

Within an additional term of four months, either of the parties may in like manner present a counter case with documents and additional evidence and depositions, in answer to the case, documents, evidence and depositions of the other party.

Within sixty days from the expiration of the time designated for the filing of the counter cases, each government may, through its representative, make its arguments before the arbitral tribunal, either orally or in writing, and each shall deliver to the other copies of any arguments thus made in writing, and each party shall have a right to reply in writing, provided such reply be submitted within the sixty days last named.

ARTICLE VIII.

All public records and documents under the control or at the disposal of either government or in its possession, relating to the matters in litigation shall be accessible to the other, and, upon request, certified copies of them shall be furnished. The documents which each party produces in evidence shall be authenticated by the respective minister for foreign affairs.

ARTICLE IX.

All pecuniary awards that the arbitral tribunal may make in said cases shall be in gold coin of the United States of America, or in its equivalent in Venezuelan money, and the arbitral tribunal shall fix the time of payment, after consultation with the representatives of the two countries.

ARTICLE X.

It is agreed that within six months from the date of this protocol, the government of the United States of America and that of the United States of Venezuela shall communicate to each other, and to the Bureau of the Permanent Court at The Hague, the name of the arbitrator they select from among the members of the permanent court of arbitration.

Within sixty days thereafter the arbitrators shall meet at The Hague and proceed to the choice of the third arbitrator in accordance with the provisions of Article 45 of The Hague convention for the peaceful settlement of international disputes, referred to herein.

Within the same time each of the two governments shall deposit with the said bureau the sum of fifteen thousand francs on account of the expenses of the arbitration provided for herein, and from time to time thereafter they shall in like manner deposit such further sums as may be necessary to defray said expenses.

The arbitral tribunal shall meet at The Hague twelve months from the date of this protocol to begin its deliberations and to hear the arguments submitted to it. Within sixty days after the hearings are closed its decisions shall be rendered.

ARTICLE XI.

Except as provided in this protocol the arbitral procedure shall conform to the provisions of the convention for the peaceful settlement of international disputes, signed at The Hague on October 18, 1907, to which both parties are signatory, and especially to the provisions of chapter III thereof.

ARTICLE XII.

It is hereby understood and agreed that nothing herein contained shall preclude the United States of Venezuela, during the period of five months from the date of this Protocol, from reaching an amicable adjustment with either or both of the claimant companies referred to in articles II and III herein, provided that in each case wherein a settlement may be reached, the respective company shall first have obtained the consent of the government of the United States of America.

The undersigned, William I. Buchanan and Francisco González Guinán, in the capacity which each holds, thus consider their conferences with respect to the differences between the United States of America and the United States of Venezuela as closed, and sign two copies of this protocol of the same tenor and to one effect, in both the English and Spanish languages, at Caracas, on the thirteenth day of February one thousand nine hundred and nine.

WILLIAM I. BUCHANAN. [SEAL.]
F. GONZÁLEZ GUINÁN. [SEAL.]

PROTOCOL BETWEEN THE NETHERLANDS AND VENEZUELA.

Signed April 19, 1909.

The government of Her Majesty the Queen of the Netherlands and the government of the United States of Venezuela, actuated by the genuine desire to prevent in the future new difficulties like those that arose between the two countries in the course of the past year and to lay an enduring foundation for an entente cordial;

In consideration of the fact that the two governments declare themselves satisfied with the explanations reciprocally furnished in regard to the incidents that have troubled their good relations;

Considering that the interests of the two countries demand the prompt

conclusion of a treaty of friendship, commerce and navigation, as well as of a consular convention, offering the necessary guarantees for a real commerce between the colonies of the Netherlands in the Antilles and the Venezuelan continent;

Considering that the previous reestablishment of diplomatic relations is desirable to this effect;

Have agreed as follows:

The diplomatic relations between the kingdom of the Netherlands and the United States of Venezuela shall be reestablished from the day of the signing of this protocol and the two governments shall be able to establish their respective legations at Caracas and at The Hague;

The government of the Netherlands will continue to observe the protocol of August 20, 1894;

The Venezuelan Government engages:

1. Not to modify in any manner, until the conclusion of a treaty of commerce and a consular convention between the two states the laws and prescriptions actually in force in the Republic of Venezuela, to the detriment of the subjects of the Netherlands or of the commerce and navigation of the Netherlands and its colonies;

2. To extend immediately and spontaneously to the colonies of the Netherlands in the Antilles every concession to be made in the future to England in favor of the island of Trinidad or to any other power in favor of any other island whatever in the Antilles, especially in the matter of the 30 per cent additional duties at present levied by the Venezuelan Republic in virtue of the law of the month of June 1881, put in force on May 3, 1882.

The Venezuelan government engages to pay within the three months which follow the signing of the present protocol to the Netherlands government, as indemnity assessed by common accord for the damages caused by the seizing of the Netherlands vessels "Estela," "Penelope," "Justicia," "Carmita," and "Marion" the sum of twenty thousand bolivas (bs. 20,000).

As proof of the high appreciation by the Netherlands government of the sentiments of friendship shown by General Gomez, vice-president of the United States of Venezuela, since he was charged with the presidency of the Republic, the Netherlands government declares that the guardships seized by its warships will immediately be placed at Willemstad at the disposition of a delegate to be appointed for that purpose by the government of Venezuela.

In witness whereof the undersigned, Jonkheer R. de Marees van Swinderen, minister of foreign affairs of her majesty the Queen of the Netherlands, and Doctor J. de J. Paul, special delegate of the government of the United States of Venezuela, duly authorized by her majesty the Queen and by the vice president constitutionally charged with the presidency of the Republic have affixed their signatures to the present protocol, which shall be submitted to the ratification of the competent powers and of which an exact translation in Dutch and in Spanish shall be made and signed by the two plenipotentiaries.

Done in duplicate at The Hague, April 19, 1909.

(L. S.)	R. DE MAREES VAN SWINDEREN.
(L. S.)	J. DE J. PAUL.

**TREATY BETWEEN THE NETHERLANDS AND THE UNITED STATES OF BRAZIL,
ESTABLISHING THE BOUNDARY BETWEEN BRAZIL AND THE COLONY OF
SURINAM.**

Signed, May 5, 1906; proclaimed by the Netherlands, July 11, 1908.

Sa Majesté la Reine des Pays-Bas et le Président des États-Unis du Brésil, animés du désir de resserrer les liens d'amitié qui existent heureusement entre les deux nations et d'éviter les contestations qui pourraient s'élever si la frontière entre le Brésil et la colonie de Surinam n'était pas déterminée conventionnellement, ont résolu de conclure un traité à cet effet et ont nommé pour Leurs Plénipotentiaires, savoir :

Sa Majesté la Reine des Pays-Bas, Monsieur Frédéric Palm, Ministre-Résident des Pays-Bas au Brésil et

Le Président des États-Unis du Brésil, Monsieur José Maria da

Her Majesty, the Queen of the Netherlands, and the President of the United States of Brazil, desirous of strengthening the bonds of friendship which happily exist between the two nations, and of avoiding contests which might arise if the boundary between Brazil and the colony of Surinam was not conventionally determined, have resolved to conclude a treaty to this effect, and have named for their plenipotentiaries, to wit :

Her Majesty, the Queen of the Netherlands, Mr. Frederic Palm, minister resident of the Netherlands in Brazil and

The President of the United States of Brazil, Mr. Jose Maria

Silva Paranhos do Rio-Branco,
Ministre d'État des Relations Ex-
térieures;

Lesquels, après avoir échangé
leurs pleins pouvoirs, trouvés en
bonne et due forme, sont convenus
des articles suivants:

ARTICLE 1.

La frontière entre les États-Unis
du Brésil et la colonie de Surinam
est formée, à partir de la frontière
française jusqu'à la frontière
britannique, par la ligne de partage
des eaux entre le bassin de l'Ama-
zone, au sud, et les bassins des
cours d'eau qui affluent vers le nord
dans l'Océan Atlantique.

ARTICLE 2.

Aussitôt qu'ils le jugeront utile,
les deux Gouvernements nommer-
ont des Commissaires afin de dé-
marquer la frontière.

ARTICLE 3.

Les Hautes Parties Contractan-
tes s'engagent à soumettre à la
Cour Permanente d'Arbitrage à la
Haye les différends qui pourraient
s'élever entre Elles au sujet de
l'application ou de l'interprétation
de la présente convention.

Dans chaque cas particulier les
Hautes Parties Contractantes sign-
eront un compromis spécial dé-
terminant nettement l'objet du
litige, l'étendue des pouvoirs de

da Silva Paranhos do Rio-Branco,
minister of foreign relations;

Who, after having exchanged
their full powers, found in good
and proper form, have agreed up-
on the following articles:

ARTICLE 1.

The boundary between the
United States of Brazil and the
colony of Surinam is formed, from
the French boundary to the British
boundary, by the watershed be-
tween the basin of the Amazon, on
the south, and the basins of the
rivers flowing toward the north
into the Atlantic Ocean.

ARTICLE 2.

As soon as they deem it proper,
the two governments shall name
commissioners to mark out the
boundary.

ARTICLE 3.

The high contracting parties
agree to submit to the Permanent
Court of Arbitration at the Hague
differences which may arise be-
tween them concerning the appli-
cation or interpretation of the pres-
ent convention.

In each particular case the high
contracting parties shall sign a
special compromis determining ex-
actly the object of the litigation,
the extent of the powers of the

l'arbitre ou du tribunal arbitral, le mode de sa désignation ainsi que les règles à observer en ce qui concerne les formalités et les délais de la procédure.

arbitrator or arbitral tribunal, the method of the designation thereof as well as the rules to be observed concerning the formalities and periods of procedure.

ARTICLE 4.

Le présent traité, après l'accomplissement des formalités constitutionnelles dans les deux pays, sera ratifié et les ratifications seront échangées à la Haye ou à Rio de Janeiro, dans le plus bref délai possible.

Fait en double, à Rio de Janeiro, le cinq mai mil neuf cent six.

(Signé) RIO BRANCO.
(Signé) F. PALM.

ARTICLE 4.

The present treaty, after the performance of the constitutional formalities in both countries, shall be ratified and the ratifications shall be exchanged at the Hague or at Rio de Janeiro, in the shortest time possible.

Done in duplicate, at Rio de Janeiro, the fifth of May, one thousand nine hundred and six.

(Signed) RIO BRANCO.
(Signed) F. PALM.

SUPPLEMENTARY COMMERCIAL AGREEMENT BETWEEN THE UNITED STATES AND ITALY.¹

Signed at Washington, March 2, 1909; Proclaimed, April 24, 1909.

The President of the United States of America and His Majesty the King of Italy, considering it appropriate to supplement by an additional agreement the commercial agreement signed between the two governments at Washington, on February 8, 1900, have appointed as their plenipotentiaries, to wit:

The President of the United States of America, the Honorable Robert Bacon, Secretary of State of the United States; and

His Majesty the King of Italy, His Excellency the Baron Mayor des Planches, His Ambassador Extraordinary and Plenipotentiary at Washington,

Who, after an exchange of their respective full powers, found to be in due and proper form, have agreed upon the following articles:

¹ U. S. Treaty Series, No. 523.

ARTICLE I.

It is agreed on the part of the United States, in accordance with the provisions of section 3 of the Tariff Act of the United States approved July 24, 1897, that the rates of duty heretofore imposed and collected, under the said Act, on Italian sparkling wines upon entering the United States, including the island of Porto Rico, shall be suspended during the continuance in force of this agreement, and, instead, the following duties shall be imposed and collected, to wit:

On all sparkling wines, in bottles containing not more than one quart and more than one pint, six dollars per dozen; containing not more than one pint each and more than one-half pint, three dollars per dozen; containing one-half pint each or less, one dollar and fifty cents per dozen; in bottles or other vessels containing more than one quart each, in addition to six dollars per dozen bottles on the quantities in excess of one quart, at the rate of one dollar and ninety cents per gallon.

ARTICLE II.

It is reciprocally agreed on the part of Italy, in consideration of the provisions of the foregoing article, that during the term of this additional agreement the duty to be assessed and collected on mowers and tedders, included in item No. 240, paragraph "f," of the customs tariff of Italy, products of the industry of the United States, imported into Italy, shall not exceed the rate of four lire per one hundred kilograms.

ARTICLE III.

When official notification of His Majesty's ratification shall have been given to the government of the United States, the President of the United States shall publish his proclamation, giving full effect to the provisions contained in article I of this agreement. From and after the date of such proclamation this agreement shall be in full force and effect, and shall continue in force until the expiration of one year from the time when either of the high contracting parties shall have given notice to the other of its intention to terminate the same.

In witness whereof we, the respective plenipotentiaries, have signed this agreement, in duplicate, in the English and Italian texts, and have affixed hereunto our respective seals.

Done at Washington, this second day of March, A. D. one thousand nine hundred and nine.

ROBERT BACON. [SEAL]

E. MAYOR DES PLANCHES. [SEAL]

SANITARY CONVENTION BETWEEN THE UNITED STATES AND OTHER
POWERS.¹

*Signed at Washington, October 14, 1905; Ratified, May 29, 1906;
Proclaimed, March 1, 1909.*

The presidents of the republics of Chile, Costa Rica, Cuba, Dominican Republic, Ecuador, Guatemala, Mexico, Nicaragua, Peru, United States of America, and Venezuela:

Having found that it is useful and convenient to codify all the measures destined to guard the public health against the invasion and propagation of yellow fever, plague and cholera, have designated as their delegates, to wit:

Republic of Chile, Sr. Dr. D. Eduardo Moore, professor of the Medical Faculty, Hospital Physician;

Republic of Costa Rica, Sr. Dr. D. Juan J. Ulloa, Ex-Vice-President, Ex-Minister of the Interior of Costa Rica, Ex-President of the Medical Faculty of Costa Rica;

Republic of Cuba, Sr. Dr. D. Juan Guiteras, member of the Superior Board of Health of Cuba, director of the "Las Animas" Hospital, professor of General Pathology and Tropical Medicine of the University of Havana, and Sr. Dr. D. Enrique B. Barnet, Executive Chief of the Health Department of Havana, member and secretary of the Superior Board of Health of Cuba;

Republic of Ecuador, Sr. Dr. D. Serafin S. Wither, Chargé d'Affaires and Consul-General of Ecuador in New York, and Sr. Dr. D. Miguel H. Alcivar, member of the Superior Board of Health of Guayaquil, Professor of the Medical Faculty and Surgeon of the General Hospital of Guayaquil;

Republic of the United States of America, Dr. Walter Wyman, Surgeon General of the Public Health and Marine Hospital Service of the United States; Dr. H. D. Geddings, assistant Surgeon General of the Public Health and Marine Hospital Service of the United States, and representative of the United States at the Sanitary Convention of Paris; Dr. J. F. Kennedy, secretary of the Board of Health of the State of Iowa; Dr. John S. Fulton, secretary of the Board of Health of the State of Maryland; Dr. Walter D. McCaw, Major, Surgeon in the United States Army; Dr. J. D. Gatewood, Surgeon in the United States Navy; Dr. H. L. E. Johnson, member of the American Medical Association (member of the Board of Trustees);

¹ U. S. Treaty Series, No. 518.

Republic of Guatemala, Sr. Dr. D. Joaquín Yela, Consul-General of Guatemala in New York;

Republic of Mexico, Sr. Dr. D. Eduardo Licéaga, President of the Superior Council of Health of Mexico, director and professor of the National School of Medicine, member of the Academy of Medicine;

Republic of Nicaragua, Sr. Dr. D. J. L. Medina, member of the Second Pan-American Medical Congress of the City of Havana in 1901;

Republic of Peru, Sr. Dr. D. Daniel Eduardo Lavería, professor of the Medical Faculty, member of the National Academy of Medicine, Physician of the "Dos de Mayo" Hospital, Chief of the Division of Hygiene of the Ministry of Fomento;

Dominican Republic, Sr. D. Emilio C. Joubert, Minister Resident in Washington; and

Republic of Venezuela, Sr. D. Nicolás Veloz-Goiticoa, Chargé d'Affaires of Venezuela,

Who, having made an interchange of their powers, and found them good, have agreed to adopt, *ad referendum*, the following propositions:

CHAPTER I. *Regulations to be observed by the powers signatory to the convention as soon as plague, cholera or yellow fever may appear in their territory.*

SECTION I. *Notification and subsequent communications to other countries.*

ARTICLE I. Each government should immediately notify other governments of the first appearance in its territory of authentic cases of plague, cholera or yellow fever.

ARTICLE II. This notification is to be accompanied, or very promptly followed, by the following additional information:

- (1) The neighborhood where the disease has appeared.
- (2) The date of its appearance, its origin, and its form.
- (3) The number of established cases, and the number of deaths.
- (4) For plague: the existence among rats or mice of plague, or of an unusual mortality; for yellow fever: the existence of *stegomyia fasciata* in the locality.
- (5) The measures taken immediately after the first appearance.

ARTICLE III. The notification and the information prescribed in articles I and II are to be addressed to diplomatic and consular agents in the capital of the infected country; but this is to be construed as not preventing direct communication between officials charged with the public health of the several countries.

For countries which are not thus represented, they are to be transmitted directly by telegraph to the governments of such countries.

ARTICLE IV. The notification and the information prescribed in articles I and II are to be followed by further communications dispatched in a regular manner in order to keep the governments informed of the progress of the epidemic.

These communications, which are to be made at least once a week, and which are to be as complete as possible, should indicate in detail the precautions taken to prevent the extension of the disease.

They should set forth: first, the prophylactic measures taken relative to sanitary or medical inspection, to isolation and disinfection; second, the measures taken relative to departing vessels to prevent the exportation of the disease, and, especially under the circumstances mentioned in paragraph 4 of article II of this section, the measures taken against rats and mosquitoes.

ARTICLE V. The prompt and faithful execution of the preceding provisions is of the very first importance.

The notifications only have a real value if each government is warned in time of cases of plague, cholera or yellow fever and of suspicious cases of those diseases supervening in its territory. It can not then be too strongly recommended to the various governments to make obligatory the declaration of cases of plague, cholera or yellow fever, and of giving information of all unusual mortality of rats and mice especially in ports.

ARTICLE VI. It is understood that neighboring countries reserve to themselves the right to make special arrangements with a view of organizing a service of direct information between the chiefs of administration upon the frontiers.

SECTION II. *Conditions showing a given territorial area to be infected, or to have been freed from infection.*

ARTICLE VII. Information of a first case of plague, cholera or yellow fever does not justify against a territorial area where it may appear, the application of the measures prescribed in chapter II as hereinafter indicated.

Upon the occurrence of several non-imported cases of plague, or a non-imported case of yellow fever or when cases of cholera form a focus, the area is to be declared infected.

ARTICLE VIII. To limit the measures to the affected regions alone, governments should only apply them to persons and articles proceeding from the contaminated or infected areas.

By the word "area" is understood a well determined portion of territory described in the information which accompanies or follows notification, thus, a province, a state, "a government," a district, a department, a canton, an island, a commune, a city, a quarter of a city, a village, a port, a "polder," a hamlet, etc., whatever may be the extent and population of these portions of territory.

But this restriction, limited to the infected area, should only be accepted upon the formal condition that the government of the infected country shall take the necessary measures; (1) to prevent, unless previously disinfected, the exportation of articles named in 1 and 2 of article XII, coming from the contaminated area; and (2) measures to prevent the extension of the epidemic; and provided further that there be no doubt that the sanitary authorities of the infected country have faithfully complied with article I of this convention.

When an area is infected, no restrictive measure is to be taken against departures from this area if these departures have occurred five days, at least, before the beginning of the epidemic.

ARTICLE IX. That an area should no longer be considered as infected, official proof must be furnished:

First, that there has been neither a death nor a new case of plague or cholera for five days after isolation,² death, or cure of the last plague or cholera case. In the case of yellow fever the period shall be eighteen days, but each government may reserve the right to extend this period.

Second, that all the measures of disinfection have been applied; in the case of plague, that the precautions against rats have been observed, and in the case of yellow fever that the measures against mosquitoes have been executed.

CHAPTER II. *Measures of defense by other countries against territories declared to be infected.*

SECTION I. *Publication of prescribed measures.*

ARTICLE X. The government of each country is obliged to immediately publish the measures which it believes necessary to take against departures either from a country or from an infected territorial area.

² The word "isolation" signifies isolation of the patient, of the persons who care for him and the forbidding of visits of all other persons, the physician excepted. By isolation in the case of yellow fever is understood the isolation of the patient in an apartment so screened as to prevent the access of mosquitoes.

The said government is to communicate at once this publication to the diplomatic or consular agent of the infected country residing in its capital as well as to the International Sanitary Bureau.

The government shall be equally obliged to make known through the same channels the revocation of these measures or modifications which may be made in them.

In default of a diplomatic or consular agency in the capital, communications are made directly to the government of the country interested.

SECTION II. *Merchandise — Disinfection — Importation and Transit — Baggage.*

ARTICLE XI. There exists no merchandise which is of itself capable of transmitting plague, cholera or yellow fever. It only becomes dangerous in case it is soiled by pestous or choleraic products, or, in the case of yellow fever, when such merchandise may harbor mosquitoes.

ARTICLE XII. No merchandise or objects shall be subjected to disinfection on account of yellow fever, but in cases covered by the previous article the vehicle of transportation may be subjected to fumigation to destroy mosquitoes. In the case of cholera and plague disinfection should only be applied to merchandise and objects which the local sanitary authority considers as infected.

Nevertheless, merchandise, or objects enumerated hereafter, may be subjected to disinfection, or prohibited entry, independently of all proof that they may or may not be infected:

1. Body linen, wearing apparel in use, clothing which has been worn, bedding already used.

When these objects are transported as baggage, or in the course of a change of residence (household furniture), they should not be prohibited, and are to be subjected to the regulations prescribed by article XIX.

Baggage left by soldiers and sailors, and returned to their country after death, are considered as objects comprised in the first paragraph of number 1 of this article.

2. Rags, and rags for making paper, with the exception, as to cholera, of rags which are transported as merchandise in large quantities compressed in bales held together by hoops.

New clippings coming directly from spinning mills, weaving mills, manufactories or bleacheries, shoddy, and clippings of new paper, should not be forbidden.

ARTICLE XIII. In the case of cholera and plague there is no reason to forbid the transit through an infected district of merchandise, and the

objects specified in numbers 1 and 2 of the preceding article if they are so packed that they can not have been exposed to infection in transit.

In like manner, when merchandise or objects are so transported that, in transit, they can not come in contact with soiled objects, their transit across an infected territorial area should not be an obstacle to their entry into the country of destination.

ARTICLE XIV. The entry of merchandise and objects specified in numbers 1 and 2 of article XII should not be prohibited, if it can be shown to the authorities of the country of destination that they were shipped at least five days before the beginning of the epidemic.

ARTICLE XV. The method and place of disinfection, as well as the measures to be employed for the destruction of rats, and mosquitoes, are to be fixed by authority of the country of destination, upon arrival at said destination. These operations should be performed in such a manner as to cause the least possible injury to the merchandise.

It devolves upon each country to determine questions relative to the payment of damages resulting from disinfection, or from the destruction of rats or mosquitoes.

If taxes are levied by a sanitary authority, either directly or through the agency of any company or agent, to insure measures for the destruction of rats and mosquitoes on board ships, the amount of these taxes ought to be fixed by a tariff published in advance, and the result of these measures should not be a source of profit for either state or sanitary authorities.

ARTICLE XVI. Letters and correspondence, printed matter, books, newspapers, business papers, etc. (postal parcels not included), are not to be submitted to any restriction or disinfection. In case of yellow fever postal parcels are not to be subjected to any restrictions or disinfection.

ARTICLE XVII. Merchandise, arriving by land or by sea, should not be detained permanently at frontiers or in ports.

Measures which it is permissible to prescribe with respect to them are specified in article XII.

Nevertheless, when merchandise, arriving by sea in bulk (*vrac*) or in defective packages, is contaminated by pest-stricken rats during the passage, and is incapable of being disinfected, the destruction of the germs may be assured by putting said merchandise in a warehouse for a period to be decided by the sanitary authorities of the port of arrival.

It is to be understood that the application of this last measure should not entail delay upon any vessel nor extraordinary expenses resulting from the want of warehouses in ports.

ARTICLE XVIII. When merchandise has been disinfected by the application of the measures prescribed in article XII, or put temporarily in warehouses in accordance with the third paragraph of article XVII, the owner or his representative, has the right to demand from the sanitary authority which has ordered such disinfection, or storage, a certificate setting forth the measures taken.

ARTICLE XIX. *Baggage.* In the case of soiled linen, bed clothing, clothing and objects forming a part of baggage or furniture coming from a territorial area declared contaminated, disinfection is only to be practiced in cases where the sanitary authority considers them as contaminated. There shall be no disinfection of baggage on account of yellow fever.

SECTION III. *Measures in ports and at maritime frontiers.*

ARTICLE XX. *Classification of ships.* A ship is considered as infected which has plague, cholera or yellow fever on board, or which has presented one or more cases of plague or cholera within seven days, or a case of yellow fever at any time during the voyage.

A ship is considered as suspected on board of which there have been a case or cases of plague or cholera at the time of departure or during the voyage, but no new case within seven days; also such ships as have lain in such proximity to the infected shore as to render them liable to the access of mosquitoes.

The ship is considered *indemne*, which, although coming from an infected port, has had neither death nor case of plague, cholera or yellow fever on board, either before departure, during the voyage, or at the time of arrival, and which in the case of yellow fever has not lain in such proximity to the shore, as to render it liable, in the opinion of the sanitary authorities, to the access of mosquitoes.

ARTICLE XXI. Ships infected with plague are to be subjected to the following regulations:

1. Medical visit (inspection).
2. The sick are to be immediately disembarked and isolated.
3. Other persons should also be disembarked, if possible, and subjected to an observation,³ which should not exceed five days dating from the day of arrival.
4. Soiled linen, personal effects in use, the belongings of crew⁴ and

³ The word "observation" signifies isolation of the passengers, either on board ship or at a sanitary station before being given free pratique.

⁴ The term "crew" is applied to persons who may make, or, who have made, a

passengers which, in the opinion of the sanitary authorities are considered as infected should be disinfected.

5. The parts of the ship which have been inhabited by those stricken with plague, and such others as, in the opinion of the sanitary authorities are considered as infected, should be disinfected.

6. The destruction of rats on shipboard should be effected before or after the discharge of cargo, as rapidly as possible, and in all cases with a maximum delay of forty-eight hours, care being taken to avoid damage of merchandise, the vessel and its machinery.

For ships in ballast, this operation should be performed immediately before taking on cargo.

ARTICLE XXII. Ships suspected of plague, are to be subjected to the measures which are indicated in numbers 1, 4 and 5 of article XXI.

Further, the crew and passengers may be subjected to observation, which should not exceed five days, dating from the arrival of the ship. During the same time, the disembarkment of the crew may be forbidden, except for reasons of duty.

The destruction of rats on shipboard is recommended. This destruction is to be effected before or after the discharge of cargo, as quickly as possible, and in all cases with a maximum delay of forty-eight hours, taking care to avoid damage to merchandise, ships, and their machinery.

For ships in ballast, this operation should be done, if done at all, as early as possible, and in all cases before taking on cargo.

ARTICLE XXIII. Ships *indemne* from plague are to be admitted to free pratique immediately, whatever may be the nature of their bill of health.

The only regulation which the sanitary authorities at a port of arrival may prescribe for them consists of the following measures:

1. Medical visit (inspection).
2. Disinfection of soiled linen, articles of wearing apparel, and the other personal effects of the crew and passengers, but only in exceptional cases when the sanitary authorities have special reason to believe them infected.
3. Without demanding it as a general rule, the sanitary authorities may subject ships coming from an infected port to a process for the destruction of the rats on board before or after the discharge of cargo. This operation should be done as soon as possible, and in all cases should part of the personnel of the vessel and of the administration thereof, including stewards, waiters, "cafedji," etc. The word is to be construed in this sense wherever employed in the present Convention.

not last more than twenty-four hours, care being taken to avoid damaging merchandise, ships, and their machinery, and without interfering with the passing of passengers and crew between the ship and the shore. For ships in ballast, this procedure, if practiced, should be put in operation as soon as possible, and in all cases before taking on cargo.

When a ship coming from an infected port has been subjected to a process for the destruction of rats, this process should only be repeated if the ship has touched meanwhile at an infected port, and has been alongside a quay in such port, or if the presence of sick or dead rats on board is proven.

The crew and passengers may be subjected to a surveillance, which should not exceed five days, to be computed from the date when the ship sailed from the infected port. The landing of the crew may also, during the same time, be forbidden except for reasons of duty.

Competent authority at the port of arrival may always demand, under oath, a certificate of the ship's physician, or in default of a physician, of the captain, setting forth that there has not been a case of plague on board since departure, and that no marked mortality among the rats has been observed.

ARTICLE XXIV. When upon an *indemne* ship rats have been recognized as pest-stricken as a result of bacteriological examination, or when a marked mortality has been established among these rodents, the following measures should be applied:

1. Ships with plague-stricken rats:

(a) Medical visit (inspection).

(b) Rats should be destroyed before or after the discharge of cargo, as rapidly as possible, and in all cases with a delay not to exceed forty-eight hours; the deterioration of merchandise, vessels and machinery to be avoided. Upon ships in ballast, this operation should be performed as soon as possible, and in all cases before taking on cargo.

(c) Such parts of the ship and such articles as the local sanitary authority regards as infected, shall be disinfected.

(d) Passengers and crew may be submitted to observation the duration of which should not exceed five days dating from the day of arrival, except in special cases where the sanitary authority may prolong the observation to a maximum of ten days.

2. Ships where a marked mortality among rats is observed:

(a) Medical visit (inspection).

(b) An examination of rats, with a view to determining the existence of plague, should be made as quickly as possible.

(c) If the destruction of rats is judged necessary, it shall be accomplished under the conditions indicated above in the case of ships with plague-stricken rats.

(d) Until all suspicion may be eliminated, the passengers and crew may be submitted to observation the duration of which should not exceed five days counting from the date of arrival, except in special cases when the sanitary authority may prolong the observation to a maximum of ten days.

ARTICLE XXV. The sanitary authorities of the port must deliver to the captain, the owner, or his agent, whenever a demand for it is made, a certificate setting forth that the measures for the destruction of rats have been efficacious and indicating the reasons why these measures have been applied.

ARTICLE XXVI. Ships infected with cholera are to be subjected to the following regulations:

1. Medical visit (inspection).
2. The sick are to be immediately disembarked and isolated.
3. Other persons ought also to be disembarked, if possible, and subjected, dating from the arrival of the ship, to an observation, the duration of which shall not exceed five days.
4. Soiled linen, wearing apparel, and personal effects of crew and passengers which, in the opinion of the sanitary authority of the port, are considered as infected, are to be disinfected.
5. The parts of the ship which have been inhabited by persons sick with cholera, or which are considered by the sanitary authority as infected are to be disinfected.
6. The bilge-water is to be discharged after disinfection.

The sanitary authority may order the substitution of good potable water for that which is contained in the tanks on board.

The discharge or throwing overboard into the water of a port, of dejecta, shall be forbidden unless they have been previously disinfected.

ARTICLE XXVII. Ships suspected of cholera are to be subjected to measures prescribed under numbers 1, 4, 5 and 6 of article XXVI.

The crew and passengers may be subjected to an observation which should not exceed five days, to date from the arrival of the ship. It is recommended during the same time to prevent the debarkation of the crew except for reasons of duty.

ARTICLE XXVIII. Ships *indemne* of cholera are to be admitted to free pratique immediately, whatever may be the nature of their bill of health.

The only regulations which the sanitary authorities of a port may prescribe in their case are the measures provided in numbers 1, 4 and 6 of article XXVI.

The crews and passengers may be submitted, in order to show their state of health, to an observation, which should not exceed five days to be computed from the date when the ship sailed from the infected port.

It is recommended that during the same time the debarkation of the crew be forbidden except for reasons of duty.

Competent authority at the port of arrival may always demand, under oath, a certificate from the ship's surgeon, or, in the absence of a surgeon, from the captain, setting forth that there has not been a case of cholera upon the ship since sailing.

ARTICLE XXIX. Competent authority will take account, in order to apply the measures indicated in articles XXI to XXVIII, of the presence of a physician on board and a disinfecting apparatus in ships of the three categories mentioned above.

In regard to plague, it will equally take account of the installation on board of apparatus for the destruction of rats.

Sanitary authorities of such countries, where it may be convenient to make such regulations may dispense with the medical visit and other measures toward *indemne* ships which have on board a physician specially commissioned by their country.

ARTICLE XXX. Special measures may be prescribed in regard to crowded ships, notably emigrant ships, or any other ship presenting bad hygienic conditions.

ARTICLE XXXI. Any ship not desiring to be subjected to the obligations imposed by the authority of the port in virtue of the stipulations of the present convention is free to proceed to sea.

It may be authorized to disembark its cargo after the necessary precautions shall have been taken; namely, first, isolation of the ship, its crew and passengers; second, in regard to plague, demand for information relative to the existence of an unusual mortality among rats; third, in regard to cholera, the discharge of the bilge-water after disinfection and the substitution of a good potable water for that which is provided on board the ship.

Authority may also be granted to disembark such passengers as may demand it, upon condition that these submit themselves to all measures prescribed by the local authorities.

ARTICLE XXXII. Ships coming from a contaminated port, which have been disinfected and which may have been subjected to sanitary

measures applied in an efficient manner, shall not undergo a second time the same measures upon their arrival at a new port, provided that no new case shall have appeared since the disinfection was practiced, and that the ships have not touched in the meantime at an infected port.

When a ship only disembarks passengers and their baggage, or the mails, without having been in communication with *terra firma*, it is not to be considered as having touched at a port, provided that in the case of yellow fever it has not approached sufficiently near the shore to permit the access of mosquitoes.

ARTICLE XXXIII. Passengers arriving on an infected ship have the right to demand of the sanitary authority of the port a certificate showing the date of their arrival and the measures to which they and their baggage have been subjected.

ARTICLE XXXIV. Packet boats shall be subjected to special regulations, to be established by mutual agreement between the countries in interest.

ARTICLE XXXV. Without prejudice to the right which governments possess to agree upon the organization of common sanitary stations, each country should provide at least one port upon each of its seaboard, with an organization and equipment sufficient to receive a vessel, whatever may be its sanitary condition.

When an *indemne* vessel, coming from an infected port, arrives in a large mercantile port, it is recommended that she be not sent to another port for the execution of the prescribed sanitary measures.

In every country, ports liable to the arrival of vessels from ports infected with plague, cholera or yellow fever, should be equipped in such a manner that *indemne* vessels may there undergo, immediately upon their arrival the prescribed measures, and not be sent for this purpose to another port.

Governments should make declaration of the ports which are open in their territories to arrivals from ports infected with plague, cholera or yellow fever.

ARTICLE XXXVI. It is recommended that in large seaports there be established:

(a) A regular medical service and a permanent medical supervision of the sanitary conditions of crews, and the inhabitants of the port.

(b) Places set apart for the isolation of the sick and the observation of suspected persons. In the *stegomyia* belt there must be a building or part of a building screened against mosquitoes, and a launch and ambulance similarly screened.

(c) The necessary installation for efficient disinfection and bacteriological laboratories.

(d) A supply of potable water above suspicion, for the use of the port, and the installation of a system of sewerage and drainage, adequate for the removal of refuse.

SECTION IV. *Measures upon land frontiers. Travelers. Railroads. Frontier Zones. River Routes.*

ARTICLE XXXVII. Land quarantines should no longer be established, but the governments reserve the right to establish camps of observation if they should be thought necessary for the temporary detention of suspects.

This principle does not exclude the right for each country to close a part of its frontier in case of necessity.

ARTICLE XXXVIII. It is important that travelers should be submitted to a surveillance on the part of the personnel of railroads, to determine their condition of health.

ARTICLE XXXIX. Medical intervention is limited to a visit (inspection) with the taking of temperature of travelers, and the succor to be given to those actually sick. If this visit is made, it should be combined as much as possible with the customhouse inspection to the end that travelers may be detained as short a time as possible. Only persons evidently sick should be subjected to a searching medical examination.

ARTICLE XL. As soon as travelers, coming from an infected locality, shall have arrived at their destination, it would be of the greatest utility to submit them to a surveillance which should not exceed ten or five days, counting from the date of departure, the time depending upon whether it is a question of plague or cholera. In case of yellow fever the period should be six days.

ARTICLE XLI. Governments may reserve to themselves the right to take particular measures in regard to certain classes of persons, notably vagabonds, emigrants and persons traveling or passing the frontier in bands.

ARTICLE XLII. Coaches intended for the transportation of passengers and mails should not be retained at frontiers.

In order to avoid this retention a system of relays ought to be established at frontiers, with transfer of passengers, baggage and mails. If one of these carriages be infected or shall have been occupied by a person suffering from plague, cholera or yellow fever, it shall be detached from the train for disinfection at the earliest possible moment.

ARTICLE XLIII. Measures concerning the passing of frontiers by the personnel of railroads and of the post office are a matter for agreement of the sanitary authorities concerned. These measures should be so arranged as not to hinder the service.

ARTICLE XLIV. The regulation of frontier traffic, as well as the adoption of exceptional measures of surveillance should be left to special arrangement between contiguous countries.

ARTICLE XLV. The power rests with governments of countries bordering upon rivers to regulate by special arrangement the sanitary regime of river routes.

ARTICLES RELATING TO YELLOW FEVER.

ARTICLE XLVI. Ships infected with yellow fever are to be subjected to the following regulations:

1. Medical visit (inspection).
2. The sick are to be immediately disembarked protected by netting against the access of mosquitoes and transferred to the place of isolation in an ambulance or a litter similarly screened.
3. Other persons should also be disembarked if possible, and subjected to an observation of six days, dating from the day of arrival.
4. In the place set apart for observation, there shall be screened apartments or cages where anyone presenting an elevation of temperature above 37.6 degrees centigrade shall be screened until he may be carried in the manner indicated above to the place of isolation.
5. The ship shall be moored at least two hundred metres from the inhabited shore.
6. The ship shall be fumigated for the destruction of mosquitoes before the discharge of cargo, if possible. If a fumigation be not possible before the discharge of the cargo, the health authorities shall order, either
 - (a) The employment of immune persons for discharging the cargo, or
 - (b) If non-immunes be employed they shall be kept under observation during the discharging of cargo and for six days, to date from the last day of exposure on board.

ARTICLE XLVII. Ships suspected of yellow fever are to be subjected to the measures which are indicated in numbers 1, 3 and 5 of the preceding article; and, if not fumigated, the cargo shall be discharged as directed under sub-paragraph (a) or (b) of the same article.

ARTICLE XLVIII. Ships *indemne* from yellow fever, coming from an infected port, after the medical visit (inspection), shall be admitted to free pratique, provided the duration of the trip has exceeded six days.

If the trip be shorter, the ship shall be considered as suspected until the completion of a period of six days, dating from the day of departure.

If a case of yellow fever develop during the period of observation, the ship shall be considered as infected.

ARTICLE XLIX. All persons who can prove their immunity to yellow fever, to the satisfaction of the health authorities shall be permitted to land at once.

ARTICLE L. It is agreed that in the event of a difference of interpretation of the English and Spanish texts, the interpretation of the English text shall prevail.

TRANSITORY DISPOSITION.

The governments which may not have signed the present convention are to be admitted to adherence thereto upon demand; notice of this adherence to be given through diplomatic channels to the government of the United States of America and by the latter to the other signatory governments.

Made and signed in the city of Washington on the 14th day of the month of October, nineteen hundred and five, in two copies, in English and Spanish respectively, which shall be deposited in the State Department of the Government of the United States of America, in order that certified copies thereof, in both English and Spanish, may be made to transmit them through diplomatic channels to each one of the signatory countries.

D. EDUARDO MOORE.
JUAN J. ULLOA.
JUAN GUIERAS.
E. B. BARNET.
EMILIO C. JOUBERT.
M. H. ALCIVAR.
WALTER WYMAN.
H. D. GEDDINGS.
JOHN S. FULTON.
WALTER D. McCAW.
J. D. GATEWOOD.
H. L. E. JOHNSON, M. D.
JOAQUÍN YELA.
E. LICÉAGA.
J. L. MEDINA, M. D.
DANIEL EDO LAVORERÍA.
N. VELOZ GOITICOA.

FIRST PAN-AMERICAN SCIENTIFIC CONGRESS.¹

Conclusions of the Section on International Law, January 4th, 1909.

AMERICAN PROBLEMS IN INTERNATIONAL LAW.

1.

The First Pan-American Scientific Congress recognizes that the diversity in the development of the New World as compared with the Old has had the following effect upon international relations, namely: That on this Continent there are problems *sui generis* or of a distinctively American character and that the States of this hemisphere, by means of agreements more or less general, have regulated matters which are of sole concern to them, or which, if of universal interest, have not yet been susceptible of universal agreement — thus incorporating in International Law principles of American origin.

This class of questions constitute what may be termed "American problems or conditions in International Law."

The Scientific Congress recommends to all the States of the American Continent that the faculties of jurisprudence and social sciences give attention to the study of these matters.

2.

The progress of International Law depends, in the main, on the agreement by a group of nations on principles which signify an actual advance in International Law.

It is of positive interest, American as well as world-wide, that the American countries agree on principles which represent an actual advance in their international relations, and which may later on be accepted by Conferences of a world-wide character and especially by the Hague Conference.

3.

The Pan-American Scientific Congress recognizes the importance of mutual help in the administrative action of the governments and institutions of the American Continent.

¹ For account of this Congress see the JOURNAL for April, 1909, p. 429. The Congress was divided into sections as follows: (1) pure and applied mathematics; (2) physical sciences; (3) natural, anthropological and ethnological sciences; (4) engineering; (5) medical science and hygiene; (6) juridical science; (7) social sciences; (8) sciences of pedagogy and of philosophy; (9) agronomy and zootechnics.

In order that these relations may be developed, we recommend vigorous cooperation in the work which is being done by the International Union of American Republics, the office of which is established in Washington, as well as in the work of the Pan-American Commissions recently created in several countries of this continent.

TREATIES AND DOCUMENTS CONCERNING OPIUM¹

AMERICA²—CHINA.³ *Treaty of peace, amity and commerce.* Concluded July 3, 1844; ratification advised by the Senate January 16, 1845; ratified by the President January 17, 1845; ratifications exchanged December 31, 1845; proclaimed April 18, 1846.

ARTICLE 33.

Citizens of the United States, who shall attempt to trade clandestinely with such of the ports of China as are not open to foreign commerce, or who shall trade in opium or any other contraband article of merchandise, shall be subject to be dealt with by the Chinese Government, without being entitled to any countenance or protection from that of the United States; and the United States will take measures to prevent their flag from being abused by the subjects of other nations, as a cover for the violation of the laws of the Empire.⁴

———. *Treaty between the United States of America and the Chinese Empire.* Signed in the English and Chinese languages, at Tientsin, 18th June, 1858; ratifications exchanged at Peking, August 16, 1859.

[It is beyond doubt that the United States consented in this treaty to legalize the opium trade in China by practically adopting the trade regulations and tariff of the British treaty of the same date; for, in our *Treaty establishing trade relations and tariff with China*, concluded November 18, 1858, ratifications exchanged August 15, 1859, opium is in the tariff list as paying thirty taels per one hundred catties. Under

¹ See article by Dr. Hamilton Wright, this JOURNAL, p. 648, who also furnished this supplementary matter, and the notes thereto.

² The United States takes rank under the name "America" in international conferences. Cf. The Hague conferences.

³ Our first treaty with China was that of 1844.

⁴ This article bearing on the opium traffic was superseded by the treaty of 1858.

this treaty of trade regulations and tariff of 1858 many Americans entered into the opium traffic in China, and continued to do so until the treaty of 1880 was negotiated.]

———. *Treaty as to Commercial Intercourse and Judicial Procedure.* Concluded November 17, 1880; ratification advised by the Senate May 5, 1881; ratified by the President May 9, 1881; ratifications exchanged July 19, 1881; proclaimed October 5, 1881.

ARTICLE 2.

The Governments of China and of the United States mutually agree and undertake that Chinese subjects shall not be permitted to import opium into any of the ports of the United States; and citizens of the United States shall not be permitted to import opium into any of the open ports of China, to transport it from one open port to any other open port, or to buy and sell opium in any of the open ports of China. This absolute prohibition which extends to vessels owned by the citizens or subjects of either Power, to foreign vessels employed by them, or to vessels owned by the citizens or subjects of either Power, and employed by other persons for the transportation of opium, shall be enforced by appropriate legislation on the part of China and the United States; and the benefits of the favored nation clause in existing Treaties shall not be claimed by the citizens or subjects of either Power as against the provisions of this article.⁵

⁵ It was recognized on both sides that this article could not be made effective without Congressional action. An effective act was passed February 23, 1887. (Chapter 210, 24th Statutes at Large, 409):

"An Act to provide for the Execution of the Provisions of Article Two of the Treaty concluded between the United States of America and the Emperor of China on the Seventeenth day of November, Eighteen Hundred and Eighty, and Proclaimed by the President of the United States on the Fifth day of October, Eighteen Hundred and Eighty-one.

"Sec. 1. (Importation of opium by Chinese prohibited). That the importation of opium into any of the ports of the United States by any subject of the Emperor of China is hereby prohibited. Every person guilty of a violation of the preceding provision shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of not more than five hundred dollars nor less than fifty dollars, or by imprisonment for a period of not more than six months nor less than thirty days, or by both such fine and imprisonment, in the discretion of the court.

"Sec. 2. (Forfeiture). That every package containing opium, either in whole or in part imported into the United States by any subject of the Emperor of

———. *Treaty as to commercial relations.*^a (Concluded October 8th, 1903, and proclaimed January 13th, 1904.

ARTICLE 16.

The Government of the United States consents to the prohibition by the Government of China of the importation into China of morphia and of instruments for its injection, excepting morphia and instruments for its injection imported for medical purposes, on payment of tariff duty, and under regulations to be framed by China which shall effectually restrict the use of such import to the said purposes. This prohibition shall be uniformly applied to such importation from all countries. The

China, shall be deemed forfeited to the United States; and proceedings for the declaration and consequences of such forfeiture may be instituted in the courts of the United States as in other cases of the violation of the laws relating to other illegal importations.

"Sec. 3. (Citizens of United States prohibited from traffic in opium in China — punishment — jurisdiction — forfeiture). That no citizen of the United States shall import opium into any of the open ports of China, nor transport the same from one open port to any other open port, or buy or sell opium in any of such open ports of China, nor shall any vessel owned by citizens of the United States, or any vessel, whether foreign or otherwise, employed by any citizen of the United States, or owned by any citizen of the United States, either in whole or in part, and employed by persons not citizens of the United States, take or carry opium into any of such open ports of China, or transport the same from one open port to any other open port, or be engaged in any traffic therein between or in such open ports or any of them. Citizens of the United States offending against the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars nor less than fifty dollars, or by both such punishments, in the discretion of the court. Consular courts of the United States in China, concurrently with any district court of the United States in the district in which any offender may be found, shall have jurisdiction to hear, try, and determine all cases arising under the foregoing provisions of this section, subject to the general regulations provided by law. Every package of opium or package containing opium, either in whole or in part, brought, taken, or transported, trafficked, or dealt in contrary to the provisions of this section, shall be forfeited to the United States, for the benefit of the Emperor of China; and such forfeiture, and the declaration and consequences thereof, shall be made, had, determined, and executed by the proper authorities of the United States exercising judicial powers within the Empire of China."

Article II of the Treaty of 1880 and the Statutes passed in conformity with it, still remain in force.

^aThis is the last of American treaties with China in which opium or its derivatives is mentioned.

Chinese Government undertakes to adopt at once measures to prevent the manufacture in China of morphia and of instruments for its injection.⁷

AMERICA—ISLANDS OF THE PACIFIC OCEAN. There is a Federal Statute, February 14, 1902, chapter 18, 32 Stat. L., 33rd Act, to prevent the sale of fire arms, opium, and intoxicating liquors in certain islands of the Pacific:

SEC. 1. (Sale of arms and intoxicants to Pacific Islands aborigines forbidden). That any person subject to the authority of the United States who shall give, sell, or otherwise supply any arms, ammunition, explosive substance, intoxicating liquor, or *opium* to any aboriginal native of any of the Pacific islands lying within the twentieth parallel of north latitude and the fortieth parallel of south latitude and the one hundred and twentieth meridian of longitude west and one hundred and twentieth meridian of longitude east of Greenwich, not being in the possession or under the protection of any civilized power, shall be punishable by imprisonment not exceeding three months, with or without hard labor, or a fine not exceeding fifty dollars, or both. And in addition to such punishment all articles of a similar nature to those in respect to which an offense has been committed found in the possession of the offender may be declared forfeited.

SEC. 2. (Medical use excepted). That if it shall appear to the court that such *opium*, wine, or spirits have been given bona fide for medical purposes it shall be lawful for the court to dismiss the charge.

SEC. 3. (Deemed an offense on high seas). That all offenses against this Act committed on any of said islands or on the waters, rocks or keys adjacent thereto shall be deemed committed on the high seas on board a merchant ship or vessel belonging to the United States, and the courts of the United States shall have jurisdiction accordingly.

AMERICA—JAPAN.⁸ *A treaty of amity and commerce.* Concluded July 29, 1858; ratifications exchanged at Washington, May 22, 1860; proclaimed May 23, 1860.

ARTICLE IV.

4. The importation of opium is prohibited, and any American vessel coming to Japan for the purposes of trade, having more than (3) three

⁷ All powers have adhered to the morphia clause in this "Commercial Treaty," and it went into effect January 1st of the current year.

⁸ In one of our first treaties with Japan we agreed to a restriction on the traffic in opium.

catties (four pounds avoirdupois) weight of opium on board, such surplus quantity shall be seized and destroyed by the Japanese authorities. All goods imported into Japan, and which have paid the duty fixed by this treaty, may be transported by the Japanese into any part of the Empire without the payment of any tax, excise, or transit duty whatever.

———. *Treaty of commerce and navigation*. Concluded November 22, 1894; ratification advised by the Senate, with amendment, February 5, 1895; ratified by the President February 15, 1895; ratifications exchanged March 21, 1895; proclaimed March 21, 1895.

[By this treaty, and by pacts of a similar nature, contracted with the other powers, Japan came into her full sovereign rights, and was thereby in a position to prohibit or not the importation of opium. Japan has, as a matter of fact, prohibited the importation except under most stringent regulations, which are effective].

AMERICA—KOREA. *A treaty of peace, amity, commerce and navigation*. Concluded May 22, 1882, and proclaimed June 4, 1883.

ARTICLE 7.

The Governments of the United States and of Chosen mutually agree and undertake that subjects of Chosen shall not be permitted to import opium into any of the ports of the United States, and citizens of the United States shall not be permitted to import opium into any of the open ports of Chosen, to transport it from one open port to another open port, or to traffic in it in Chosen. This absolute prohibition which extends to vessels owned by the citizens or subjects of either Power, to foreign vessels employed by them, and to vessels owned by the citizens or subjects of either Power and employed by other persons for the transportation of opium, shall be enforced by appropriate legislation on the part of the United States and of Chosen, and offenders against it shall be severely punished.

AMERICA—SIAM.* *Convention of amity and commerce*. Concluded March 20, 1833; ratification advised by the Senate, June 30, 1834; ratified by the President; ratifications exchanged April 14, 1836; proclaimed June 24, 1837.

ARTICLE 2.

The citizens of the United States shall have free liberty to enter all the ports of the Kingdom of Siam with their cargoes, of whatever kind

* So far as I can learn, the first treaty ever negotiated which limited the trade in opium was this one of 1833 with Siam.

the said cargoes may consist; and they shall have liberty to sell the same to any of the subjects of the King, or others who may wish to purchase the same, or to barter the same for any produce or manufacture of the Kingdom, or other articles that may be found there. No prices shall be fixed by the officers of the King on the articles to be sold by the merchants of the United States, or the merchandise they may wish to buy, but the trade shall be free on both sides to sell or buy or exchange on the terms and for the prices the owners may think fit. Whenever the said citizens of the United States shall be ready to depart, they shall be at liberty so to do, and the proper officers shall furnish them with passports: *Provided always*, There be no legal impediment to the contrary. Nothing contained in this article shall be understood as granting permission to import and sell munitions of war to any person excepting to the King, who, if he does not require, will not be bound to purchase them; neither is permission granted to *import opium, which is contraband*, or to export rice, which can not be embarked as an article of commerce. These only are prohibited.¹⁰

———. *A treaty of amity and commerce*. (With amendment.) Concluded May 29, 1856; ratification advised by the Senate March 13, 1857; ratified by the President March 16, 1857; ratifications exchanged June 15, 1857; time for exchange of ratifications extended by the Senate June 15, 1858; proclaimed August 16, 1858.

Article 8 of this treaty contained modifications of article 2 of the preceding treaty. The 3rd paragraph reads as follows:

"Opium may be imported free of duty, but can only be sold to the opium farmer or his agents. In the event of no arrangement being effected with them for the sale of the opium, it shall be re-exported, and no impost or duty levied thereon. Any infringement of this regulation shall subject the opium to seizure and confiscation."

AUSTRIA-HUNGARY—CHINA. *Treaty of friendship, commerce and navigation*. Signed at Peking September 2, 1869; ratifications exchanged at Shanghai November 27, 1871.

[Under this treaty the opium traffic was placed under rules identical with those appended to the British treaty of Tientsin].

¹⁰ It will be seen by this article that opium was treated as contraband, and the right to import it into Siam was forbidden to American citizens.

BELGIUM—CHINA. *Treaty of friendship, commerce and navigation.*
Signed at Peking, November 2, 1865.

[By this treaty, opium was admitted upon the terms of the British and other Tientsin treaties].

DENMARK—CHINA. *Treaty of amity, commerce and navigation.*
Signed at Tientsin, July 13, 1863; ratifications exchanged at Shanghai July 29, 1864.

[This treaty and the tariff agreement legalized the opium trade, as in the other Tientsin treaties].

FRANCE—CHINA. *The treaty of Tientsin.* June 27, 1858.

[The traffic in opium was legalized under the same conditions as in the British treaty of the same name. This was modified in the following Treaty].

———. *Treaty of peace, friendship and commerce.* Signed at Tientsin the 9th of June, 1885.

[It is agreed in article VI of this treaty that the export and import of opium shall be governed by special arrangements to be agreed upon by the contracting parties. Pursuant to this treaty the following agreement was entered into].

———. *Trade regulations for the Annam frontier, jointly determined on by France and China.* Signed at Peking April 25, 1886.

ARTICLE XIV.

The High Contracting Parties agree to prohibit trade in and transport of opium, of whatever origin, by the land frontier between Tongking on the one side and Yünnan, Kwang Si and Kwang Tung on the other side.¹¹

———. *Additional convention.* 1887.

ARTICLE V.

Trade in Chinese native opium by land is allowed on payment of an export duty of Taels Twenty per picul, but French merchants or persons under French protection may only purchase it at Lung Chow, Meng Tzu

¹¹ This was modified in the following additional convention.

and Manghao. But no more than Taels Twenty per picul shall be accepted from the Chinese merchants at inland duties. When opium was sold, the seller shall give the buyer a receipt showing that the inland duties had been paid, which the exporter will hand to the customs when paying export duty. It is agreed that opium re-imported to China at the coast ports can not claim the privileges accorded other re-imports as goods of native origin.¹²

GERMANY—CHINA.¹³ *Agreement concerning the establishment of a maritime customs office at Tsingtao.* Signed at Peking, April 17, 1899.

PARAGRAPH 13.

The Maritime Customs agrees to levy on all opium brought to Tsingtao the same duties and taxes (likin) which are levied on opium in Chinese treaty ports. The duties and taxes collected on opium which enters into consumption inside the German territory shall be collected by the Maritime Customs for account of the German Government, and be paid over to the latter at certain intervals to be fixed at convenience.¹⁴

———. *Agreement about the establishment of a maritime customs office at Tsingtao.* Peking, April 17, 1904.

PARAGRAPH 14.

Whenever certificated steamers quit or return to Tsingtao, they are to clear from and report to the Kiaochow Customs, handing in outward and inward manifests of cargo, reporting places to be called at or called at, and paying the prescribed duties. Opium and contraband goods are

¹² On July 19, 1908, the export of Indo-Chinese opium, prepared for smoking, to Hongkong, was prohibited, and by arrêté of September 26, 1908, the sale of Yunnan opium has been forbidden in Cochin-China and Cambodia.

¹³ By article 5 of the "Commercial Regulations" of the German treaty of Tientsin (1861) the opium trade was legalized.

¹⁴ In the Provisional Customs Regulations required by the above agreement for the German territory of Kiaochow, there occur the following provisions:

"1. (a) The import of Foreign and Chinese goods and produce into German territory is free, with the exception of *Opium*, Arms, and Explosives and the materials used in the manufacture thereof, which are subject to special regulations.

"2. Opium can only be imported in original chests, and must on arrival be reported to the customs. * * * Upon payment of duty and likins, opium may be exported under custom's seal and control from German into Chinese territory."

not to be carried inwards or outwards; if carried, the goods are confiscable and the vessel subject to a fine of \$500, a second offence entailing withdrawal of Inland Waters Certificate and privileges.

———. *Amendment to the agreement re the establishment of a custom house in Tsingtau.* Signed at Peking, December 1, 1905.

[This agreement was made "with a view to putting the relations between the Colony of Kiaochow and the Chinese customs on a better basis." The second paragraph of the preamble is as follows:]

The basis of this arrangement is that the Chinese Government on its part (1) agrees to pay to the German Government a certain proportion of the import duties on goods, opium included, landed in the German territory, and (2) consents to the modifications of treaty-port customs practice and principles which said articles establish; and that the German Government on its part, in consideration of the Chinese payment and consent, undertakes to facilitate the working of the Imperial Chinese Customs establishment established and operating in the German territory and to aid in safeguarding the revenue legitimately payable.¹⁵

GREAT BRITAIN—CHINA. *Treaty of peace, friendship and commerce.* Signed in the English and Chinese languages, at Nanking, August 29, 1842; ratifications exchanged at Hongkong June 26, 1843.

ARTICLE 4.

The Emperor of China agrees to pay the sum of Six Millions of Dollars, as the value of Opium which was delivered up at Canton in the

¹⁵ In an "Ordinance regulating procedure in customs matters in Kiaochow territory," published December 2, 1905, it is provided that: "Opium can only be imported by vessels in original chests. The importation of smaller quantities than one chest is forbidden. All opium on board of ships, including that intended for consumption during the journey, must, on arrival of the ship, be reported without delay to the customs, who will supervise the transportation to the customs godown of so much as is to be landed. * * * Opium from the German territory to China or from China to the German territory can only be conveyed by rail, on special Bill of Lading and as 'Eilgut.' It is forbidden to carry it as passenger's luggage. All Bills of Lading, etc., for arriving opium are handed by the railway to the Customs in the German territory, who will notify the addressees." Although these regulations are German municipal regulations, nevertheless they depend upon the foregoing agreements between Germany and China and control the traffic in opium between German and Chinese territory.

month of March, 1839, as a ransom for the lives of Her Britannic Majesty's Superintendent and Subjects, who had been imprisoned and threatened with death by the Chinese high officers.¹⁶

———. *Treaty of peace, friendship, commerce and navigation*. Signed at Tientsin June 26, 1858; ratified at Peking October 24, 1860.

[In pursuance of Articles 26 and 28 of the Treaty of Tientsin an agreement was signed at Shanghai November 8, 1858, which arranged for a tariff of duties on the British trade with China. Under the first section of this agreement, "tariff on imports," opium was admitted into China on the payment of thirty taels *ad valorem* per one hundred catties. Certain rules governed this tariff agreement of the Tientsin Treaty. Rule 5 deals with opium, and reads as follows:

[The restrictions affecting trade in opium, cash, grain, pulse, sulphur, brimstone, saltpetre and spelter are relaxed, under the following conditions:

[SEC. 1. Opium will henceforth pay thirty taels per picul import duty. The importer will sell it only at the port. It will be carried into the interior by Chinese only, and only as Chinese property; the foreign trader will not be allowed to accompany it. The provisions of article IX of the Treaty of Tientsin, by which British subjects are authorized to proceed into the interior with passports to trade, will not extend to it, nor will those of article XXVIII of the same Treaty, by which the transit dues are regulated. The transit dues on it will be arranged as the Chinese Government see fit; nor, in future revisions of the tariff, is the same rule of revision to be applied to opium as to other goods.

[Infractions of the conditions under which trade in opium was to be carried on, were punishable by confiscation of all the opium concerned].

———. *An agreement between the Minister Plenipotentiary of the Government of Great Britain and China*. Signed at Chefoo September 13, 1876, ratified September 17, 1876.

SECTION 3. — *Trade*.

(iii). On opium, Sir Thomas Wade will move his Government to sanction an arrangement different from that affecting other imports. British merchants, when opium is brought into port, will be obliged to

¹⁶ This treaty in no way legalized the opium trade between India and China, but the article quoted undoubtedly is the justification for calling the war which preceded the signing of the treaty, "The Opium War," for, by compelling the

have it taken cognizance of by the customs and deposited in bond, either in a warehouse or a receiving hulk, until such time as there is a sale for it. The importer will then pay the tariff duty upon it, and the purchasers the *likin*; in order to the prevention of the evasion of the duty. The amount of *likin* to be collected will be decided by the different Provincial Governments, according to the circumstances of each.¹⁷

———. *Additional articles to the agreement between Great Britain and China*. Signed at Chefoo September 13, 1876, and at London, July 18, 1885.

2. In lieu of the arrangement respecting opium proposed in Clause 3 of Section III of the Chefoo Agreement, it is agreed that foreign opium, when imported into China, shall be taken cognizance of by the Imperial Maritime Customs, and shall be deposited in bond, either in warehouses or receiving-hulks, which have been approved of by the customs, and that it shall not be removed thence until there shall have been paid to the customs the tariff duty of 30 taels per chest of 100 catties, and also a sum not exceeding 80 taels per like chest as *likin*.

———. *British commercial treaty*. Signed at Shanghai September 5, 1902.

ARTICLE XI.

His Britannic Majesty's Government agree to the prohibition of the general importation of morphia into China, on condition, however, that the Chinese Government will allow of its importation, on payment of the tariff import duty and under special permit, by duly qualified British medical practitioners and for the use of hospitals, or by British chemists and druggists who shall only be permitted to sell it in small quantities and on receipt of a requisition signed by a duly qualified foreign medical practitioner.

Chinese Government to pay for contraband opium which had been destroyed by the Chinese Commissioner Lin, it was an official recognition on the part of the British Government that opium might be trafficked in, and, in the event of seizure and destruction, China would have to make compensation. The opium trade was legalized between India and China by the following treaty.

¹⁷ The arrangement in regard to the importation of opium in this Chefoo Agreement was modified in the treaty which follows.

The special permits above referred to will be granted to an intending importer on his signing a bond before a British consul guaranteeing the fulfillment of these conditions. Should an importer be found guilty before a British consul of a breach of his bond, he will not be entitled to take out another permit. Any British subject importing morphia without a permit shall be liable to have such morphia confiscated.

This article will come into operation on all other treaty powers agreeing to its conditions, but any morphia actually shipped before that date will not be affected by this prohibition.

The Chinese government on their side undertake to adopt measures at once, to prevent the manufacture of morphia in China.

The Dual or Ten Year Agreement between Great Britain and China is the last of the Anglo-Chinese agreements in regard to the Indian Opium traffic, January 27, 1908.

[This agreement was the outcome of a series of despatches between the British Foreign Office, the Indian Government and China. It became effective January 1, 1908. Under this agreement Great Britain agrees to reduce the export of opium from India to all countries by one-tenth of the annual import of Indian opium into China. China on her part agrees to a ten per cent *pari passu* reduction of her poppy cultivation. The agreement runs for three years, when if China has kept faith, the agreement will be continued and at the end of ten years poppy cultivation will have ceased in China and the export of Indian opium will be reduced to 16,000 chests per annum.

[The basis of the Dual Agreement is as follows:

[The Chinese Government first proposed that there should be a ten per cent reduction of the Chinese import of Indian opium, fifty-one thousand chests, or the total average import of the Indian opium into China during the years 1901-05 inclusive. The British Government made a counter-proposition that the Indian Government should reduce the total export of Indian opium to all countries (67,000 chests) by one-tenth of the average importation of China. This was accepted by the Chinese Government. The total average exportation of Indian opium for the years 1901-05, inclusive, was 67,000 chests, so that as the agreement now stands there is a reduction of the Indian export to all countries by 5,100 chests, the average of the Chinese importations for 1901-05 inclusive].

ITALY—CHINA. *Treaty of friendship, commerce and navigation.*
Signed at Peking October 26, 1866; ratifications exchanged at
Shanghai November 12, 1867.

[By this treaty and the tariff agreement in pursuance thereof the
opium traffic was legalized as in the British Tientsin treaty].

MEXICO—CHINA. *Treaty of commerce between Mexico and China.*
Signed at Washington, December 14, 1900.

[Articles VII and VIII of this treaty placed Mexico in the same position
as the other powers in regard to import and export opium traffic].

PERU—CHINA. *Convention and treaty.* Signed at Tientsin June 26,
1875; ratifications exchanged at Tientsin August 7, 1875.

[By article IX of this treaty Peruvian citizens were made to pay the
ports of China open to foreign trade the same tariff rate on opium as in
the other Tientsin treaties].

PORTUGAL—CHINA. *Treaty of Tientsin.* August 13, 1862.

[In this treaty the opium trade was legalized as in the other Tientsin
treaties; but ratification was refused by the Chinese Government].

———. *Protocol, treaty, convention, and agreement.* Done at Lisbon,
March 26, 1887.

ARTICLE IV [of the Protocol].

[Portugal engages to cooperate in opium revenue work at Macao, in
the same way as England in Hongkong.

[In the treaty concluded on this protocol, and ratified at Peking April
28, 1888, it was provided in article IV that "Portugal agrees to co-
operate with China in the collection of duties on opium exported from
Macao into China ports, in the same way, and as long as England co-
operates with China in the collection of duties on opium exported from
Hongkong into Chinese ports."

["The basis of this cooperation will be established by a convention ap-
pended to this treaty, which shall be as valid and binding to both the
High Contracting Parties as the present treaty."]

ARTICLE I [of the convention].

Portugal will enact a law subjecting the opium trade of Macao to the following provisions:

(1) No opium shall be imported into Macao in quantities less than one chest.

(2) All opium imported into Macao must, forthwith on arrival, be reported to the competent department under a public functionary appointed by the Portuguese Government, to superintend the importation and exportation of opium into Macao.

(3) No opium imported into Macao shall be transhipped, landed, stored, removed from one store to another, or exported, without a permit issued by the Superintendent.

(4) The importers and exporters of opium in Macao must keep a register, according to the form furnished by the government, showing with exactness and clearness the quantity of opium they have imported, the number of chests they have sold, to whom and to what place they were disposed of, and the quantity in stock.

(5) Only the Macao opium farmer, and persons licensed to sell opium at retail, will be permitted to keep in their custody raw opium in quantities inferior to one chest.

(6) Regulations framed to enforce in Macao the execution of this law will be equivalent to those adopted in Hongkong for similar purpose.

ARTICLE II.

Permit for the exportation of opium from Macao into Chinese ports, after being issued, shall be communicated by the Superintendent of Opium to the Commissioner of Customs at Kung-pac uan.¹⁸

———. *Agreement to fix rules.* December 1, 1887.

1. An office under a Commissioner, appointed by the Foreign Inspectorate of the Chinese Imperial Maritime Customs, shall be established at a convenient spot on Chinese territory, for the sale of opium duty certificates, to be freely sold to merchants and for such quantities of

¹⁸ The basis of cooperation was arrived at by China and Portugal in the above treaty and Convention. On the 1st of December, 1887, an agreement was arrived at to fix rules for the treatment of Chinese junks trading with Macao. The agreement follows the treaty above.

opium as they may require. The said Commissioner will also administer the Customs stations near Macao.

2. Opium accompanied by such certificates, at the rate of not more than 110 taels per picul, shall be free from all other imports of every sort, and have all the benefits stipulated for by the Additional Article of the Chefoo Convention between China and Great Britain on behalf of opium on which duty has been paid at one of the ports of China, and may be made up in sealed parcels at the option of the purchaser.

———. *Treaty*. Signed November 14, 1904.

ARTICLE III. The Government of His Most Faithful Majesty agrees to continue as heretofore to cooperate with the Government of His Imperial Chinese Majesty in the collection of the duty and likin on opium exported from Macao to China, and also to cooperate in the repression of smuggling in accordance with the treaty and special opium convention of 1st December, 1887.

In order to render this cooperation effective, it is clearly stipulated that all opium imported into Macao shall on arrival be registered at the special Portuguese Government Bureau provided for this purpose, and the Portuguese Government will take the necessary steps in order to have all this opium stored under its exclusive control in one depôt, from which it will be removed as required by the demands of trade.

The quantity of opium required for consumption in the territory of Macao will be fixed annually by the Government of Macao in agreement with the Commissioner of the Imperial Maritime Customs referred to in article 11 of the above-mentioned convention, and under no pretext will removal from the Portuguese Government depôt be permitted of any quantity of opium for local consumption in excess of that fixed by the said agreement.

Necessary measures will be taken to prevent opium removed from the depôt for reexport to any port other than a port in China being sent fraudulently into Chinese territory.

The rules for carrying out of this article shall be arranged by the two high contracting parties.

The Portuguese Government will enact without delay a law providing penalties for infraction of the regulations agreed upon between the two High Contracting Parties.

ARTICLE XII. The Government of His Most Faithful Majesty agrees to the prohibition by the Chinese Government of the importation into

China of morphia and of instruments for its injection, on condition, however, that the Chinese Government will allow the importation of morphia and of instruments for its injection for medical purposes by Portuguese doctors, chemists, and druggists, on payment of the prescribed duty and under special permit which will only be granted to an intending importer upon his signing at the Portuguese consulate a suitable bond undertaking not to sell morphia except in small quantities and on receipt of a requisition signed by a duly qualified foreign medical practitioner.

If fraud in connection with such importation be discovered by the customs authorities, the morphia and instruments for its injection will be seized and confiscated, and the importer will be denied the right to import these articles thereafter.

RUSSIA—CHINA. *Treaty of peace, friendship, commerce and navigation.* Signed at Tientsin June 1/13, 1858.

[Under this treaty any trade that there was in opium between Russia and China was legalized, as in the Tientsin treaties between Great Britain, United States and France].

———. *Treaty of St. Petersburg, for the regulation of commerce by sea and land.* August 19, 1881.

[Article XV of this treaty prohibits to both parties the importation or exportation of opium].

SPAIN—CHINA. *Treaty between Her Most Catholic Majesty Donna Isabel 2nd, and His Majesty the Emperor of China.* Ratifications exchanged at Tientsin May 10, 1867.

[Under this treaty the opium trade was legalized as under the other Tientsin Treaties].

SWEDEN AND NORWAY—CHINA. *Treaty of peace, amity and commerce.* Signed at Canton March 20, 1847.

ARTICLE 33.

Subjects of His Majesty the King of Sweden and Norway, who shall attempt to trade clandestinely with such of the ports of China as are not open to foreign commerce, or who shall trade in opium or any other contraband article of merchandise, shall be subject to be dealt with by the

Chinese Government, without being entitled to any countenance or protection from that of the United Kingdoms, and the Governments of Sweden and Norway will take measures to prevent their flag from being abused by the subjects of other nations as a cover for the violation of the laws of the Empire.

MR. REED'S LETTER ¹⁹*Sept. 13, 1858.*

But there is another matter of far greater interest which, after full and anxious consideration, made more serious since I have been compelled to watch the operations of trade at this port during the last two months, I feel it my duty to bring before your Excellency — I mean the opium question, which in its present condition is most mischievous in its relation to trade, and most discreditable to all parties, political and individual, which it taints.

In our brief conversations on this subject at Tientsin, I frankly stated to your Excellency what the views of the government of the United States were on this subject, and that I was instructed to inform the Chinese authorities, if the opportunity offered, that the United States did not seek for its citizens the legal establishment of the opium trade, and would not uphold them in any attempt to violate the laws of China by the introduction of the article into the country. I am not quite sure whether I mentioned to you that on one occasion, at least, in my intercourse with the commissioners at the north, I did state these views to them, going even further, and assuring them that the United States would sustain any lawful attempt their government made to suppress this traffic. I have said something to the same effect to the Taoutai here, but in both instances the suggestion met with no response. The reluctance of the latter to talk on the subject may be easily accounted for; but the indifference of those who more directly represented the Emperor could only be explained on the ground that it was indifference, or, as has been suggested, by their fear even to talk on a subject which they thought had once involved them in a war, and which might (so they reasoned) give them trouble again. Be the reason what it may, I was unable to gain for the subject any consideration, and my deliberate judgment was, and is, that the trade must go on as it is with all the

¹⁹ China Correspondence, 1859.

mischief and disgrace, unless your Excellency will undertake to adjust and regulate it.

At your Excellency's instance, while the American treaty was in progress at Tien-tsin, I struck out from the draft the express prohibition of opium, which as you are aware is in the Treaty of Wanghia; and the reason for doing so, aside from my acquiescence in the views which your Excellency suggested, was that I was conscious that in its operation in China it was a dead letter, and, as such, had only a place in the treaty for mischief. I beg to assure you that I do not at all regret my decision, and have reason to believe that what I did will be approved by my government. Opium now is expressly contraband. In the new treaties ²⁰ (for I understand them in this to correspond) it is contraband or not according to the laws of the Chinese government.

Let me beg your Excellency's attention to the actual state of things at this port ²¹ — a type of others — a state of things with which I have been made painfully familiar, which I have sought to understand in all its bearings, and to which I refer in detail, not because it is unknown to you, but in explanation of the policy and necessity of the measures which I take the liberty of urging on your Excellency.

It is not my intention to say a word as to the mischievous, social, or economical effects of the consumption of opium, about which I have little doubt there is some exaggeration, and of which, from personal observation, I have no means of judging. No one doubts it is very pernicious and demoralizing. But I am confident your Excellency will agree with me that its evils, as the basis of an illegal, connived at, and corrupting traffic, can not be overstated. It is degrading alike to the producer, the importer, the official, whether foreign or Chinese, and the purchaser. The state of things, narrowing the question to this port of Shanghae, understand to be this:

In the year 1857, it is said, upwards of 32,000 chests of East India opium, worth nearly 20,000,000 of dollars, reached the port. It came either direct from Calcutta or Bombay, or by way of Hong Kong, where it is an article of lawful trade, and where the sum of 33,960 dollars is annually paid into the Colonial Treasury for the monopoly of dealing in it under a license. It comes to Shanghae in vessels of every nation, though, of course, as with other articles of trade, the bulk of it is in

²⁰ Of Tientsin, 1858.

²¹ Shanghai.

English and American ships. It so happens, and it is matter of deep regret to me, that the most active opium business in any single ship is at this moment carried on in a steamer built at New York, nominally owned by an American, and carrying the American flag. I have endeavored to ascertain the aggregate amount imported hither in American bottoms, and as near as may be I find it to be in American ships, counting the steamer "Yang-tsz," to which I have referred, as over 6,300 chests, in English and others 25,700. It is brought as freely in the mail steamers as in any others. It is transferred at once to the ships known as opium hulks, anchored at Woosung, where it is carefully stored. These hulks, six in number, are under the English flag, though it is right to say that one of them is understood to be the property of an American house, and the depository of much of the opium imported on American account.

This deposit has, as your Excellency is aware, all the dishonorable features of a great smuggling transaction, except that of secrecy, for the scandal, if the trade were actually prohibited, is open and defiant. And yet the fact is that every chest of opium thus deposited is watched and guarded by boats belonging to the Revenue Service of China, and on its discharge is so designated as to secure in some way a specific duty (about 24 taels), just as well ascertained as is the duty on every bale of English or American manufactures. Of these duties thus legitimated, and amounting, it is conjectured, to at least a million of dollars per annum, no published return is made, no official or other regular statistical information afforded, except such as, I believe, the British consul makes, and an article which constitutes at this moment exactly one-third of the import trade of Shanghae is ignored as absolutely as if it did not exist.

I am at a loss to understand why this inconvenient masquerade — the English treaty²² being silent on the subject, and the Chinese laws virtually abandoned — is kept up. I am aware it has been suggested that the depository of so valuable an article as opium should be at a distance from the city, but I can not suppose this is a reason for the inconvenient and expensive contrivance now resorted to, and rather find one in the nominally unlawful and consciously discreditable character of the trade itself, and in the lingering desire, on the part of some of the largest operators, that it should continue on its present footing. The moment the opium is brought up and entered regularly at the Chinese custom-house, and the duty paid there, as it is at Woosung, all the advantages

²² Of Nanking.

which monopolists now desire would be at an end; and the trade, let it be remembered, would not be, in reality, more legalized than it is now.

But, again, I beg your Excellency's attention to another view of the matter, as affecting the character of the communities we represent. There is, at this port, a Department of Mercantile Customs, administered by three inspectors, English, American, and French, appointed by the intendant, originally, on the recommendation of the consuls of the three treaty powers. One of these gentlemen is employed, if I mistake not, on the present revision of the tariff, and all of them are persons of high respectability and fidelity on their peculiar trust. Their jurisdiction, as delegates of the Chinese authorities, extends below the anchorage of the hulks at Woosung, and over every description of imported merchandise, except opium, and over every ship that casts anchor within the river, except the ship that brings opium to Woosung, and goes away without coming to the city.

In the printed returns of foreign commerce prepared by this department, and which, if complete, would be of great value in determining our relations to China, opium, forming, as I have said, one-third, is omitted. All else is minutely included; and in a report made to me by the American vice-consul, it is stated that this subject has been expressly withdrawn from the cognizance of the foreign inspectors, and reserved for the administration of the Taoutai himself, who receives the duties on opium and remits the money to the authorities at Suchau.

Whether this abstinence of what is familiarly known as the foreign inspectorate has always been as complete as it is now I am not prepared to say, though the fact has been mentioned to me that, during the war between Great Britain and Russia, while the exportation of saltpetre from Calcutta was prohibited, the Patna opium-chests were regularly examined by the inspectors, and thus the trade, legal or illegal, brought within their view. It is now, I admit, not within their province; and yet it can hardly be pretended that, with an inspectorate vigilant in all else in which England, France, and the United States are represented, the reproach of connivance at the traffic, if it be illegal, does not rest on them now.

I refer to this, and so beg your excellency to understand me, not as indicating my unwillingness to assume any responsibility for the acts of the inspectors, or the administration of the Chinese custom-house generally, but as illustrating the discredit that is shed on everything and everybody by the present position of the opium trade.

* * * * *

I have more than once understood your Excellency to say, that you had a strong, if not invincible, repugnance, involved as Great Britain already was in hostilities at Canton, and having been compelled in the north to resort to the influence of threatened coercion, to introduce the subject of opium to the consideration of the Chinese authorities. Yet I am confident, unless the initiative is taken by your Excellency, things must continue as they are with all their shame; and I appeal to your Excellency's high sense of duty, so often and so strongly expressed to this helpless though perverse people, whether we, the representatives of western and Christian nations, ought to consider our work done without some attempt to induce or compel an adjustment of the pernicious difficulty. In such an attempt I shall cordially unite.

But two courses are open for us to suggest and sustain — that of urging upon the Chinese authorities the active and thorough suppression of the trade by seizure and confiscation, with assurances that no assistance, direct or indirect, shall be given to parties, English or American, seeking to evade or resist the process; adding to this what if your Excellency agrees with me as to the expediency of measures of repression, I am sure will be consonant with your personal conviction of what is right — the assurance of the disposition of your government to put a stop to the growth and export of opium from India. I may be permitted to suggest that perhaps no more propitious moment for so decisive and philanthropic a measure could be found than now, when the privileges of the East India Company, and what may be termed its active responsibilities, including the receipt and administration of the opium revenue, are about to be transferred to the Crown. I am confident my government would do ready justice to the high motives which would lead to such a course, and rejoice at the result.

Of effective prohibition, and this mainly through the inveterate appetite of the Chinese, I confess I am not sanguine; and I, therefore, more confidently, though not more earnestly, call your Excellency's attention to the only other course open to us — attempt to persuade the Chinese to put such high duties on the drug as will restrain the supply, regulate the import, and yet not stimulate some other form of smuggling, with or without the connivance of the Chinese. The economical arguments in favour of this course are so fully stated * * * that I need not allude to them further.

In conclusion, I beg to assure your Excellency that I am quite prepared to take my full share of responsibility in sustaining either of the

two courses I have ventured to suggest, and I am sure your Excellency will add new distinction to what you have already earned in re-establishing commercial relations with China, by getting rid of this anomalous opprobrium to all fair commerce.

I am compelled to put my views in the form of a communication to your Excellency, for the reason that the treaty relations between the United States and China do not contemplate a revision of the tariff except through your action. * * *

I have, etc.,

(Signed)

WM. B. REED.

THE LAY AND OLIPHANT LETTERS ²³

"All the negotiations at Tientsin passed through me. Not one word on either side was said about opium from first to last. The revision of the tariff and the adjustment of all questions affecting our trade were designedly left for after deliberation, and it was agreed that for that purpose the Chinese High Commissioner should meet Lord Elgin at Shanghai in the following winter. * * * In the meantime the preparation of the tariff devolved upon me, at the desire of the Chinese no less than of Lord Elgin. When I came to opium I inquired what course they proposed to take in respect to it. The answer was 'we have resolved to put it into the tariff as *yang yoh* (foreign medicine).' I urged a moderate duty in view of the cost of collection, which was agreed to." ²⁴

Mr. Oliphant's letter bears date three days later; he writes:

"I was appointed in 1858 Commissioner for the settlement of the trade and tariff regulations with China, and during my absence with Lord Elgin in Japan, Mr. Lay was charged to consider the details with the subordinate Chinese officials named for the purpose. On my return to Shanghai I went through the tariff elaborated by these gentlemen with the Commissioner appointed by the Chinese Government. When we came to the article opium, I informed the Commissioner that *I had received instructions from Lord Elgin not to insist on the insertion of the drug in the tariff, should the Chinese Government wish to omit it. This he declined to do.* I then proposed that the duty should be increased

²³ China Correspondence, 1859.

²⁴ Mr. Lay, *Times*, October 22, 1880.

beyond the figure suggested in the tariff, but to this he objected, on the ground that it would increase the inducements to smuggling. * * * I trust that the delusion that the opium trade now existing with China was 'extorted' from that country by the British Ambassador may be finally dispelled."²⁵

INTERNATIONAL OPIUM COMMISSION.

Final resolutions, adopted February 26, 1909.

BE IT RESOLVED:

1. THAT the International Opium Commission recognizes the unswerving sincerity of the government of China in their efforts to eradicate the production and consumption of opium throughout the Empire; the increasing body of public opinion among their own subjects by which these efforts are being supported; and the real, though unequal, progress already made in a task which is one of the greatest magnitude.

2. THAT, in view of the action taken by the government of China in suppressing the practice of opium smoking, and by other governments to the same end, the International Opium Commission recommends that each delegation concerned move its own government to take measures for the gradual suppression of the practice of opium smoking in its own territories and possessions, with due regard to the varying circumstances of each country concerned.

3. THAT the International Opium Commission finds that the use of opium in any form otherwise than for medical purposes is held by almost every participating country to be a matter for prohibition or for careful regulation; and that each country in the administration of its system of regulation purports to be aiming, as opportunity offers, at progressively increasing stringency. In recording these conclusions the International Opium Commission recognizes the wide variations between the conditions prevailing in the different countries, but it would urge on the attention of the governments concerned the desirability of a re-examination of their systems of regulation in the light of the experience of other countries dealing with the same problem.

²⁵ *Times*, October 25, 1886.

4. THAT the International Opium Commission finds that each government represented has strict laws which are aimed directly or indirectly to prevent the smuggling of opium, its alkaloids, derivatives and preparations into their respective territories; in the judgment of the International Opium Commission it is also the duty of all countries to adopt reasonable measures to prevent at ports of departure the shipment of opium, its alkaloids, derivatives and preparations, to any country which prohibits the entry of any opium, its alkaloids, derivatives and preparations.

5. THAT the International Opium Commission finds that the unrestricted manufacture, sale and distribution of morphine already constitute a grave danger, and that the morphine habit shows signs of spreading; the International Opium Commission, therefore, desires to urge strongly on all governments that it is highly important that drastic measures should be taken by each government in its own territories and possessions to control the manufacture, sale and distribution of this drug, and also of such other derivatives of opium as may appear on scientific enquiry to be liable to similar abuse and productive of like ill effects.

6. THAT as the International Opium Commission is not constituted in such a manner as to permit the investigation from a scientific point of view of anti-opium remedies and of the properties and effects of opium and its products, but deems such investigation to be of the highest importance, the International Opium Commission desires that each delegation shall recommend this branch of the subject to its own government for such action as that government may think necessary.

7. THAT the International Opium Commission strongly urges all governments possessing concessions or settlements in China, which have not yet taken effective action toward the closing of opium divans in the said concessions and settlements, to take steps to that end, as soon as they may deem it possible, on the lines already adopted by several governments.

8. THAT the International Opium Commission recommends strongly that each delegation move its government to enter into negotiations with the Chinese government with a view to effective and prompt measures being taken in the various foreign concessions and settlements in China for the prohibition of the trade and manufacture of such anti-opium remedies as contain opium or its derivatives.

9. THAT the International Opium Commission recommends that each delegation move its government to apply its pharmacy laws to its subjects in the consular districts, concessions and settlements in China.

OFFICIAL DOCUMENTS

ARBITRATION CONVENTION BETWEEN THE UNITED STATES AND COSTA RICA.¹

*Signed at Washington, January 13, 1909; Ratified by the President,
March 1, 1909; Proclaimed, July 21, 1909.*

The government of the United States of America, signatory of The Hague convention for the pacific settlement of international disputes, concluded at The Hague on July 29, 1899, and the government of the republic of Costa Rica, being desirous of referring to arbitration all questions which they shall consider possible to submit to such treatment;

Taking into consideration that by article XXVI of the said convention the jurisdiction of the Permanent Court of Arbitration established at The Hague by that Convention may, within the conditions laid down in the regulations, be extended to disputes between signatory powers and non-signatory powers, if the parties are agreed on recourse to that tribunal;

Have authorized the undersigned to conclude the following convention:

ARTICLE I.

Differences which may arise of a legal nature, or relating to the interpretation of treaties existing between the two contracting parties, and which it may not have been possible to settle by diplomacy, shall be referred to the Permanent Court of Arbitration established at The Hague by the convention of the 29th July, 1899, for the pacific settlement of international disputes, provided, nevertheless, that they do not affect the vital interests, the independence, or the honor of the two contracting states, and do not concern the interests of third parties.

ARTICLE II.

In each individual case the high contracting parties, before appealing to the Permanent Court of Arbitration, shall conclude a special agree-

¹ U. S. Treaty Series, No. 530.

ment, defining clearly the matter in dispute, the scope of the powers of the arbitrators, and the periods to be fixed for the formation of the arbitral tribunal and the several stages of the procedure. It is understood that on the part of the United States such special agreements will be made by the president of the United States, by and with the advice and consent of the senate thereof, and on the part of Costa Rica shall be subject to the procedure required by the constitution and laws thereof.

ARTICLE III.

The present convention is concluded for a period of five years, and shall remain in force thereafter until one year's notice of termination shall be given by either party.

ARTICLE IV.

The present convention shall be ratified by the president of the United States of America, by and with the advice and consent of the senate thereof; and by the president of Costa Rica in accordance with the constitution and laws thereof. The ratifications shall be exchanged at Washington as soon as possible, and the Convention shall take effect on the date of the exchange of its ratifications.

Done in duplicate in the English and Spanish languages at Washington, this 13th day of January, in the year one thousand nine hundred and nine.

[SEAL]
[SEAL]

ELIHU ROOT.
J. B. CALVO.

CONVENTION BETWEEN THE UNITED STATES AND GERMANY CONCERNING PATENTS.¹

*Signed at Washington, February 23, 1909; Ratified by the President,
April 20, 1909; Proclaimed, August 1, 1909.*

The president of the United States of America and his majesty the German Emperor, King of Prussia, in the name of the German Empire, led by the wish to effect a full and more operative reciprocal protection

¹ U. S. Treaty Series, No. 531.

of patents, designs, working patterns, and models in the two countries, have decided to conclude an agreement for that purpose and have appointed as their plenipotentiaries:

The president of the United States of America, Mr. Robert Bacon, Secretary of State of the United States; and

His majesty the German Emperor, King of Prussia, His Excellency Count von Bernstorff, His Ambassador Extraordinary and Plenipotentiary to the United States;

Who, after having communicated each to the other their respective full powers, found to be in good and due form, have agreed to the following articles:

ARTICLE I.

The provisions of the laws applicable, now existing or hereafter to be enacted of either of the contracting parties, under which the nonworking of the patent, working pattern (Gebrauchsmuster), design or model carries the invalidation or some other restriction of the right, shall only be applied to the patents, working patterns (Gebrauchsmuster), designs or models enjoyed by the citizens of the other contracting party within the limits of the restrictions imposed by the said party upon its own citizens. The working of a patent, working pattern (Gebrauchsmuster), design or model in the territory of one of the contracting parties shall be considered as equivalent to its working in the territory of the other party.

ARTICLE II.

This agreement shall take effect from the date of its promulgation and remain in force until the expiration of 12 months following the notice of termination given by one of the contracting parties.

ARTICLE III.

The present agreement shall be ratified and the ratifications shall be exchanged at Washington as soon as possible.

In witness whereof the respective plenipotentiaries have executed the present agreement and affixed their seals thereunto.

Done in duplicate in the English and German languages at Washington this 23rd day of February, 1909.

ROBERT BACON. [SEAL]

J. BERNSTORFF. [SEAL]

ARBITRATION CONVENTION BETWEEN THE UNITED STATES AND PERU.¹

Signed at Washington, December 5, 1908; Ratified by the President, March 1, 1909; Proclaimed, June 30, 1909.

The Government of the United States of America, signatory of the two conventions for the pacific settlement of international disputes, concluded at The Hague, respectively, on July 29, 1899, and October 18, 1907, and the government of the republic of Peru, adherent to the said convention of July 29, 1899, and signatory of the said convention of October 18, 1907;

Taking into consideration that by article XIX of the convention of July 29, 1899, and by article XL of the convention of October 18, 1907, the high contracting parties have reserved to themselves the right of concluding agreements, with a view to referring to arbitration all questions which they shall consider possible to submit to such treatment;

Have authorized the undersigned to conclude the following convention :

ARTICLE I.

Differences which may arise of a legal nature, or relating to the interpretation of treaties existing between the two contracting parties, and which it may not have been possible to settle by diplomacy, shall be referred to the Permanent Court of Arbitration established at The Hague by the convention of the 29th July, 1899, for the pacific settlement of international disputes, and maintained by The Hague Convention of the 18th October, 1907; provided, nevertheless, that they do not affect the vital interests, the independence, or the honor of the two contracting states, and do not concern the interests of third parties.

ARTICLE II.

In each individual case the high contracting parties, before appealing to the Permanent Court of Arbitration, shall conclude a special agreement, defining clearly the matter in dispute, the scope of the powers of the arbitrators, and the periods to be fixed for the formation of the arbitral tribunal and the several stages of the procedure. It is understood

¹ U. S. Treaty Series, No. 528. This treaty and those with Salvador, December 21, 1908; and Costa Rica, January 13, 1909, printed herewith, continue the series of arbitration treaties appearing in the SUPPLEMENT to this JOURNAL, 2:296-303, 330-336; and also 3:221.

that on the part of the United States such special agreements will be made by the president of the United States, by and with the advice and consent of the senate thereof, and on the part of Peru shall be subject to the procedure required by the constitution and laws thereof.

ARTICLE III.

The present convention is concluded for a period of five years and shall remain in force thereafter until one year's notice of termination shall be given by either party.

ARTICLE IV.

The present convention shall be ratified by the president of the United States of America, by and with the advice and consent of the senate thereof; and by the president of Peru in accordance with the constitution and laws thereof. The ratifications shall be exchanged at Washington as soon as possible, and the convention shall take effect on the date of the exchange of its ratifications.

Done in duplicate in the English and Spanish languages at Washington, this 5th day of December, in the year one thousand nine hundred and eight.

[SEAL]

ELIHU ROOT.

[SEAL]

FELIPE PARDO.

AGREEMENT BETWEEN THE UNITED STATES AND RUSSIA REGULATING THE
POSITION OF CORPORATIONS AND OTHER COMMERCIAL ASSOCIATIONS.¹

*Signed at St. Petersburg, June 25/12, 1904; Ratified by the President,
June 7, 1909; Proclaimed, June 15, 1909.*

The government of the United States and the Imperial Russian government having judged that it would be mutually useful to regulate the position of corporations or stock companies and other commercial associations, industrial or financial, the undersigned, by virtue of the authority which has been vested in them, have agreed as follows:

1. Corporations or stock companies, and other industrial or financial commercial organizations, domiciled in one of the two countries, and on

¹ U. S. Treaty Series, No. 526.

the condition that they have been regularly organized in conformity to the laws in force in that country, shall be recognized as having a legal existence in the other country, and shall have therein especially the right to appear before the courts, whether for the purpose of bringing an action or of defending themselves against one.

2. In all cases the said corporations and companies shall enjoy in the other country the same rights which are or may be granted to similar companies of other countries.

3. It is understood that the foregoing stipulation or agreement has no bearing upon the question whether a society or corporation organized in one of the two countries will or will not be permitted to transact its business or industry in the other, this permission remaining always subject to the regulations in this respect existing in the latter country.

This agreement shall go into force on the 25/12 of June 1904, and shall only be discontinued one year after its denunciation shall have been made by one of the parties to the agreement.

Made in duplicate at St. Petersburg, the 25/12 day of June 1904.

COUNT LAMSDORFF.

ROBERT S. McCORMICK.

[SEAL]

[SEAL]

ARBITRATION CONVENTION BETWEEN THE UNITED STATES AND SALVADOR.¹

Signed at Washington, December 21, 1908; Ratified by the President, March 1, 1909; Proclaimed, July 7, 1909.

The government of the United States of America, signatory of the two conventions for the pacific settlement of international disputes, concluded at The Hague, respectively, on July 29, 1899, and October 18, 1907, and the government of the republic of Salvador, adherent to the said convention of July 29, 1899, and signatory of the said convention of October 18, 1907;

Taking into consideration that by article XIX of the convention of July 29, 1899, and by article XL of the convention of October 18, 1907, the high contracting parties have reserved to themselves the right of concluding agreements, with a view to referring to arbitration all questions which they shall consider possible to submit to such treatment;

Have authorized the undersigned to conclude the following convention:

¹ U. S. Treaty Series, No. 529.

ARTICLE I.

Differences which may arise of a legal nature, or relating to the interpretation of treaties existing between the two contracting parties, and which it may not have been possible to settle by diplomacy, shall be referred to the Permanent Court of Arbitration established at The Hague by the convention of the 29th July, 1899, for the pacific settlement of international disputes, and maintained by The Hague Convention of the 18th October, 1907; provided, nevertheless, that they do not affect the vital interests, the independence, or the honor of the two contracting states, and do not concern the interests of third parties.

ARTICLE II.

In each individual case the high contracting parties, before appealing to the Permanent Court of Arbitration, shall conclude a special agreement, defining clearly the matter in dispute, the scope of the powers of the arbitrators, and the periods to be fixed for the formation of the arbitral tribunal and the several stages of the procedure. It is understood that on the part of the United States such special agreements will be made by the president of the United States, by and with the advice and consent of the senate thereof, and on the part of Salvador shall be subject to the procedure required by the constitution and laws thereof.

ARTICLE III.

The present convention is concluded for a period of five years and shall remain in force thereafter until one year's notice of termination shall be given by either party.

ARTICLE IV.

The present convention shall be ratified by the president of the United States of America, by and with the advice and consent of the senate thereof; and by the president of Salvador in accordance with the constitution and laws thereof. The ratifications shall be exchanged at Washington as soon as possible, and the Convention shall take effect on the date of the exchange of its ratifications.

Done in duplicate in the English and Spanish languages at Washington, this 21st day of December, one thousand nine hundred and eight.

[SEAL]

ELIHU ROOT.

[SEAL]

F. MEJÍA.

NATURALIZATION CONVENTION BETWEEN THE UNITED STATES AND
URUGUAY.¹

Signed at Montevideo, August 10, 1908; Ratified by the President, December 26, 1908; Proclaimed, June 19, 1909.

The President of the United States of America and the President of the Oriental Republic of Uruguay, desiring to regulate the citizenship of those persons who emigrate from the United States to Uruguay, or from Uruguay to the United States, have resolved to conclude a convention on this subject and for that purpose have appointed their plenipotentiaries, to wit:

The President of the United States: Edward C. O'Brien, Envoy Extraordinary and Minister Plenipotentiary of the United States in Uruguay;

The President of Uruguay: Antonio Bachini, Minister for Foreign Affairs of Uruguay;

Who, after the mutual communication of their respective full powers, found in good and due form, have agreed upon the following articles:

ARTICLE I.

Citizens of the United States who may be or shall have been naturalized in the republic of Uruguay upon their own application or by their own consent, will be considered by the United States as citizens of the republic of Uruguay. Reciprocally, Uruguayans who may be or shall have been naturalized in the United States, upon their own application or by their own consent, will be considered by the republic of Uruguay as citizens of the United States.

ARTICLE II.

If a Uruguayan, naturalized in the United States, renews his residence in Uruguay, without intent to return to the United States, he may be held to have renounced his naturalization in the United States.

Reciprocally, if an American, naturalized in Uruguay, renews his residence in the United States, without intent to return to Uruguay, he may be held to have renounced his naturalization in Uruguay.

¹ U. S. Treaty Series, No. 527. This treaty varies slightly and immaterially in terminology from two others, one with Salvador, signed March 14, 1908 (SUPPLEMENT to this JOURNAL, 2:342); and one with Honduras, signed June 23, 1908. These latter treaties are practically identical.

The intent not to return may be held to exist when the person naturalized in one country resides more than two years in the other country, but this presumption may be destroyed by evidence to the contrary.

ARTICLE III.

It is mutually agreed that the definition of the word citizen as used in this convention, shall be held to mean a person to whom nationality of the United States or Uruguay attaches.

ARTICLE IV.

A recognized citizen of the one party, returning to the territory of the other, remains liable to trial and legal punishment for an action punishable by the laws of his original country and committed before his emigration, but not for the emigration itself, saving always the limitation established by the laws of his original country, or any other remission of liability ~~to~~ punishment.

ARTICLE V.

The declaration of an intention to become a citizen of the one or the other country has not for either party the effect of citizenship legally acquired.

ARTICLE VI.

The present convention shall remain in force for ten years from the date of the exchange of ratifications; and unless one of the contracting parties shall notify the other of its intention to terminate it one year before the expiration of that period, the said treaty shall continue in force from year to year until the expiration of one year after official notice shall have been given by either of the contracting governments of a purpose to terminate it.

ARTICLE VII.

The present treaty shall be submitted to the approval and ratification of the respective appropriate authorities of each of the contracting parties, and the ratifications shall be exchanged at Montevideo as soon as possible. In witness whereof, the respective plenipotentiaries have signed the foregoing articles, and have affixed their seals.

Done in duplicate at the city of Montevideo, in the English and Spanish languages this tenth day of August, one thousand nine hundred and eight.

[SEAL]

EDWARD C. O'BRIEN.

[SEAL]

ANTONIO BACHINI.

PROTOCOL BETWEEN AUSTRIA-HUNGARY AND TURKEY.

Signed February 26, 1909.

The imperial Ottoman government and the imperial and royal dual government of Austria-Hungary, desiring to solve by a common agreement, certain questions pending between them, the undersigned Husein Hilmi Pacha, grand vizier, Gabriel Effendi Noradounghian, imperial Ottoman minister of foreign affairs, *ad interim*, and Jean, Marquis Pallavicini, ambassador extraordinary and plenipotentiary of Austria-Hungary, duly authorized by their respective governments, have agreed upon the following provisions:

ARTICLE 1.

Austria-Hungary declares that it expressly renounces all the rights conferred upon it by the Treaty of Berlin and the convention of Constantinople, of April 21, 1879, regarding the former *sandjak* of Novi-Bazar.

ARTICLE 2.

The convention of April 21, 1879, as well as the protest of the Sublime Porte against the decision of the dual government of Austria-Hungary, concerning Bosnia and Herzegovina and all the other provisions or stipulations existing between the high contracting parties and contrary to that decision are abrogated and replaced by the present protocol which states that every disagreement on the subject of these two provinces is cleared up between them, and that the Ottoman government expressly recognizes the new state of affairs in Bosnia-Herzegovina created by the said decision.

ARTICLE 3.

Natives of Bosnia and of Herzegovina who are actually in Turkey (with the exception of the persons indicated in the notes to be exchanged by the contracting parties after the ratification of the present protocol) as well as Ottoman subjects, natives of different parts of the Ottoman empire, travelling in, or residing permanently in Bosnia-Herzegovina, will continue to preserve their Ottoman nationality as in the past.

The inhabitants of Bosnia and Herzegovina domiciled in these provinces shall be free to emigrate into the Ottoman empire conforming, as in the past, to the laws of Bosnia and Herzegovina, and they will be admitted into Turkey as Ottomans. The latter, the same as the natives of

Bosnia and Herzegovina, who are actually in Turkey, shall always have the right to dispose freely of their real estate situated in Bosnia and Herzegovina, to lease it or to administer it directly themselves or through third parties.

It is understood that the natives of Bosnia and Herzegovina, who, without intent to emigrate, may in the future go into Turkey, shall be treated there on the same footing as Austrian or Hungarian subjects.

ARTICLE 4.

The freedom and outward observance of the Mussulman religion will be assured, as in the past, to persons inhabiting or sojourning in Bosnia and Herzegovina.

Mussulmans will continue to enjoy the same civil and political rights as all the inhabitants of Bosnia and Herzegovina belonging to other religions.

The name of his imperial majesty the Sultan as Caliph, will continue to be pronounced in the public prayers of Mussulmans.

The rights of religious establishments (*vacoufs*) shall be respected, as in the past, and no obstacle shall be placed in the relations of Mussulmans with their spiritual leaders, who shall be subject, as always, to the Chéik-ul-Islamat at Constantinople, which latter will give investiture to the Reïs-ul-Uléma.

ARTICLE 5.

An arbitral decision having further decided that, according to the Ottoman land code, the Ottoman state possessed real estate of various kinds in Bosnia and Herzegovina, the dual government of Austria-Hungary agrees to pay at Constantinople within fifteen days, following the ratification of the present protocol, to the Ottoman government, a sum of two and a half millions of pounds Turkish, in gold, as the value of this real estate.

ARTICLE 6.

Austria-Hungary agrees to conclude with Turkey within two years, counting from the date of the ratification of the present protocol on the basis of European public law, a treaty of commerce, which shall go into effect so far as the other treaties of commerce of the Sublime Porte shall be concluded and put into force on the same basis.

Meanwhile, Austria-Hungary consents, after a period of fifteen days from the ratification of the present act, to the increase from eleven to fifteen per cent of the ad valorem customs duties in Turkey, as well as the establishment of new monopolies, or to the previous collection of surtaxes on consumption on the five following articles: petroleum, cigarette papers, matches, alcohols, playing cards, all that on condition that the same treatment be applied at the same time and without discrimination to the importations from other countries.

So far as it is a question of the importation of articles the object of a monopoly, the management of these monopolies is obliged to provide itself with articles of Austrian or Hungarian production, following the percentage established on the basis of the annual importation of these same articles, provided, that the prices offered for the delivery of the articles of the monopoly agree with the situation of the market at the time of purchase, taking into consideration the qualities of the goods to be furnished and the average price, which have been noted in the last three years for the said qualities. It is understood in addition that if Turkey, in place of establishing new monopolies on the five articles above mentioned, decided to impose surtaxes on consumption these surtaxes would be imposed to the same degree on similar products of Turkey and of every other nation.

ARTICLE 7.

Recognizing the imperial right of the Ottoman government over the postal service, the dual government of Austria-Hungary agrees to suppress, upon the ratification of the present act, the imperial and royal post offices actually in operation in Turkey, in the localities where no other foreign post offices exist. It agrees further to suppress also the other imperial and royal post offices in the Ottoman Empire in proportion as the powers having post offices in Turkey suppress theirs.

ARTICLE 8.

The Sublime Porte proposing, in European conference or otherwise, to open negotiations with the great powers interested with a view to ending the capitulations in Turkey, replacing that régime by the rules of international law, Austria-Hungary, in recognizing that the intentions of the Sublime Porte are well founded, declares that it is willing from this moment to lend the Porte its entire and sincere support for this purpose.

ARTICLE 9.

The present protocol shall be ratified and shall go into effect immediately after the exchange of ratifications, the ratifications shall be exchanged at Constantinople as soon as possible and at the latest within two months.

Done in duplicate at Constantinople, February 26, 1909.

HUSSEIN HILMI.

GABRIEL NORADOUNGHIAN.

PALLAVICINI.

PRELIMINARY ARRANGEMENT FOR THE MUNICIPAL ORGANIZATIONS IN
THE ZONE OF THE CHINESE EASTERN RAILWAY.¹

Differences of opinion having arisen concerning the interpretation of the contract for the construction and exploitation of the Chinese Eastern Railway, made in the 22nd year of Kuang Hsü, 8th moon, second day (27th August, 1896), the governments of China and Russia have agreed on the subject of the organization of municipalities upon the lands of the said railway, upon the following general provisions:

I.

As a fundamental principle, the sovereign rights of China on the lands of the railway are recognized without any prejudice whatsoever.

¹ The following notes were exchanged at the time of signing the Arrangement:
The Wai Wu Pu to the Russian Minister: "In regard to the recognition of the leased railway territory as Chinese territory, the general principle has been established that Chinese sovereignty suffers no loss or diminution. The rights and privileges enjoyed by subjects of other powers under the treaties between China and other nations are to be fully preserved. This must be clearly stated in order to avoid future misunderstandings.

To this end the two governments now make this exchange of notes."

The Russian Minister to the Wai Wu Pu: "The leased territory of the Manchurian Railway is Chinese territory, and Chinese sovereignty therein is now fully recognized. A general agreement for the establishment of municipal councils has to-day been signed and sealed.

I now clearly state that my government will fully respect within the limits of the leased territory the rights and privileges which the subjects of other powers enjoy under the treaties between China and the other powers."

II.

China takes all measures emanating from her sovereign rights on the lands of the railway, neither the railway administration nor the municipalities shall under any pretext whatever oppose these measures in so far as the said measures are not in contravention of the contracts concluded with the Chinese Eastern Railway Co.

III

The contracts of the Chinese Eastern Railway actually in existence remain in full force.

IV.

The laws or ordinances and legislative measures resulting from China's sovereign rights shall be drawn up and published by Chinese officials in the form of proclamations

V.

High Chinese officials and official agents visiting the lands of the railway shall be received by the management of the railway and the municipalities with all due consideration and respect.

VI.

Municipal organizations shall be established in the important commercial centres situated on the lands of the railway. The inhabitants of the commercial centres according to the importance of the localities and the number of the inhabitants, shall name by election delegates who shall choose an executive committee; or, the inhabitants themselves shall participate in municipal affairs and a representation from among them shall be elected, who shall be charged with the execution of the resolution adopted by the assembly of all the inhabitants.

VII.

There is not the slightest difference made upon the lands of the railway between the Chinese population and that of other nationalities, all the inhabitants enjoy the same rights and are subject to the same obligations.

VIII.

Every member of the community who is the owner of real (property) of a fixed value or who pays a fixed annual rent and tax shall have the right to vote.

IX.

The president is elected by the assembly of delegates and chosen from amongst themselves regardless of nationality.

X.

The assembly of delegates is competent to pass upon all local questions of public utility. Institutions in which a part only of the inhabitants is interested such as churches, chambers of commerce, schools, charitable institutions, etc., shall be supported by that portion of the inhabitants by means of assessments.

XI.

The assembly of delegates chooses from amongst its members, and without distinction of nationality, the members charged with the management of municipal affairs; not to exceed three in number. In addition, the president of the Chiao She Chu and the director of the railway shall each appoint a delegate. The delegates and the above mentioned members, including the president, shall constitute the executive committee.

XII.

The president of the assembly of delegates is at the same time president of the executive committee.

XIII.

The president of the Chiao She Chu and the director of the railway, occupying a position superior to that of the presidents of the assemblies of delegates and of the committees, have the power of control and personal revision which they may exercise when they deem it necessary. The delegates mentioned in article XI present to them reports on current affairs. Besides all the resolutions passed by the assembly of delegates shall be submitted to the joint approval of the president of the Chiao She Chu and the director of the railway. After which, these resolutions shall be published in the form of a notice in the name of the executive committee and become binding on all the inhabitants whatever their nationality may be.

XIV.

In case the resolution of the assembly of delegates should not be approved by the president of the Chiao She Chu or the director of the railway, these resolutions must be returned to the assembly for reconsideration.

tion. If the same resolution is adopted by a majority of three-fourths of the members present, it becomes binding.

XV.

Important questions concerning the public interest or the municipal finances in the commercial centres upon the lands of the railway shall be submitted, after discussion in the assembly of delegates, to the examination and approval of the president of the company (high Chinese official according to article I of the contract of 1896) conjointly with the principal administration (board of directors) of the Chinese Eastern Railway Company.

XVI.

The Chinese Eastern Railway Company has the free administration of the lands specially affecting the service of the railway, such as stations, workshops, etc. All the other lands of the railway company, not leased to others, as well as buildings reserved for the exclusive use of this company, if these lands and buildings have not been transferred to the municipalities in accordance with the plans agreed upon, shall be temporarily subject, as heretofore, to the administration of the said company. The lands in this category shall be provisionally exempt from taxes, etc.

XVII.

The foregoing general arrangements are to serve as a base for the elaboration of a detailed arrangement concerning the municipalities and the police; likewise the rate of taxation shall be determined. It is agreed to proceed to the elaboration of this arrangement within a month from the date of the signature of the present agreement (11th May, 1909).

XVIII.

Until the detailed arrangement concerning the municipal organizations have been elaborated and put into effect the municipalities shall conform provisionally to existing regulations, with the application of article XIII of the present agreement relative to the rights of control of the president of the Chiao She Chu and the director of the railway with respect to the municipalities. If the president of the Chiao She Chu and the director of the railway shall not approve the decisions of the assembly of delegates and if, after an exchange of views, an agreement can not be reached by these officials, two special delegates shall be separately elected by the inhabitants, Chinese and foreign. The president of the Chiao She Chu and the

director of the railway conjointly with these two delegates shall choose a fifth person, Chinese or foreign, who enjoys the general esteem, in order to form a committee to discuss and arrange the difference by agreement. The chamber of commerce at Harbin is authorized to name three members who shall form part of the executive committee of the city and have the same part in the management of affairs as the other members of the said committee. The chambers of commerce of the communities of Manchuria and Hailar shall each choose two delegates who will form part of the respective committees. In the other commercial centres where there exist only general assemblies, the Chinese and Russian population shall take equal part in the administration of municipal affairs. The elections for the assemblies and committees shall take place in accordance with the new detailed arrangement as soon as the same shall have been elaborated.

The text of this arrangement has been rendered in the Chinese, Russian, and French languages and there exist four copies of it in each language. All of these copies have been duly signed and bear the respective seals of the parties interested.

In case of disagreement the French text alone shall be authoritative.

Done at Peking the 1st year of Hsü T'ung 3rd moon, 21st day (27th April, 1909).

(Signed, May 11, 1909).

LIANG TUN YEN. (L. s.)

J. KOROSTOVETZ. (L. s.)

SZE SAO KE. (L. s.)

D. HORVAT. (L. s.)

YU SZU HSING. (L. s.)

AGREEMENTS BETWEEN FRANCE AND BELGIUM IN REGARD TO THE CONGO.¹

Signed December 23, 1908.

I.

Arrangement regulating the right of preference of France over the territories of the Congo State.

Considering that in virtue of the letters exchanged on April 23 and 24, 1884, between M. Strauch, president of the International Asso-

¹ See SUPPLEMENT, 3:6, 69, for notes in reference to the preference which France had in the Congo, together with the agreement dated February 5, 1895, which is renewed with modifications by the arrangement printed above.

ciation of the Congo, and M. J. Ferry, president of the council and minister of foreign affairs of the French Republic, a right of preference has been assured to France in case the association should be led some day to alienate its possessions; that this right of preference has been maintained since the Congo Free State replaced the International Association;

Considering that following the transfer of the possessions of the Congo Free State to Belgium, by virtue of the treaty of cession of November 28, 1907, and the additional act to this treaty, dated March 5, 1908, the Belgian government is substituted in the obligation contracted for in this respect by the government of the aforesaid state,

The undersigned have agreed upon the following provisions which shall regulate henceforth the right of preference of France in regard to the Belgian colony of the Congo:

ARTICLE 1.

The Belgian government recognizes the fact that France has a right of preference over its possessions in the Congo, in case of the alienation in whole or in part, of the latter burdened with certain conditions.

Any exchange of territories of the Congo with a foreign power; every concession, lease of the said territories, in whole or in part, to a foreign state or to a foreign company invested with the rights of sovereignty, will equally give rise to the exercise of the right of preference of France, and will form, consequently, the subject of previous negotiation between the Belgian government and the government of the French Republic.

ARTICLE 2.

The Belgian government declares that no cession will ever be made gratuitously, of all or part of these same possessions.

ARTICLE 3.

The stipulations provided in the above articles apply to all the Belgian territories in the Congo.

In faith of which, the undersigned have drawn up the present arrangement, and have attached their seals thereto.

Done in duplicate, at Paris, December 23, 1908.

S. PICHON.
A. LEGHAIT.

II.

Declaration.

The government of the French Republic and the Belgian government, Desiring to complete without delay the delimitation between Manyanga and the ocean of the frontier of their African possessions, defined by the convention of February 5, 1885, concluded between the government of the French republic and the International Association of the Congo,

Having ascertained, following the examination made by the Franco-Congo commission of delimitation, that the existence of a topographical irregularity unforeseen by the convention aforesaid, had caused a part of the frontier comprised between the most northern source of the Shiloango (the peak of Kiama) and the beginning of the crest of the watershed between the Niadi-Guillou and the Congo (the peak of Bembo), to be left undetermined.

Agree to take as a basis of a final regulation, on the one hand, the text of the convention of 1885 as a whole, on the other hand, the *procès-verbaux* of the mixed commission and to complete article 3 of the said convention by the addition of a new provision.

Consequently the two governments, agreeing to recognize as a final document the map of the entire frontier as established by the mixed commission, adopt the summit line comprised between the peak of Kiama and the peak of Bembo as the limit of their possessions between the most northern source of the Shiloango and the crest of the watershed between the Niadi-Guillou and the Congo.

III.

Declaration.²

The government of the French Republic and the Belgian government agree to adopt as the limits of their respective possessions in Stanley-Pool:

The middle line of Stanley-Pool as far as the point of contact of this line with the island of Bamu, the southern shore of this island to its eastern extremity, then the middle line of Stanley-Pool.

The island of Bamu, the waters and islets included between the island of Bamu and the northern shore of Stanley-Pool shall belong to France,

² This reenacts, with modifications, a similar agreement, dated February 5, 1895. British and Foreign State Papers, 90:1280.

the waters and islands included between the island of Bamu and the southern shore of Stanley-Pool shall belong to Belgium.

The territory of the island of Bamu is placed under a régime of perpetual neutrality. No military establishment can be created there and it is understood that the territory so neutralized shall be at most subjected to the régime provided by the final provision of article 11 of the general act of Berlin.¹

ADDITIONAL EXTRADITION CONVENTION BETWEEN FRANCE AND GREAT
BRITAIN.

Signed October 17, 1908.

The President of the French Republic and his majesty the King of the United Kingdom of Great Britain and Ireland, and of the British territories beyond the seas, Emperor of India, desirous of modifying the provisions of article 2 of the treaty concluded August 14, 1876, between Great Britain and France for the reciprocal extradition of fugitive criminals, have respectively named as plenipotentiaries, for this purpose, to wit:

The President of the French Republic:

M. Stéphen Pichon, senator, minister of foreign affairs,
and

His majesty, the King of the United Kingdom of Great Britain and Ireland, and of the territories beyond the seas, emperor of India;

His excellency, Right Honorable Sir Francis Bertie, his ambassador extraordinary and plenipotentiary near the government of the French Republic, etc.;

Who, after having respectively communicated their full powers, found in good and due form, have agreed upon the following articles:

ARTICLE 1.

Article 2 of the extradition convention of August 14, 1876, is modified as follows:

Each of the high contracting parties shall be free to refuse to the other the extradition of its own nationals;² however, in the case of a

¹ See SUPPLEMENT, §:14 (January, 1909).

² Up to this point the original article was as follows: "Native-born or naturalized subjects of either country are excepted from extradition, etc." The balance of the article was the same as the above.

person who, since the commission of the crime or offense of which he is accused, or for which he has been convicted, has become naturalized in the country whence the surrender is sought, such naturalization shall not prevent the pursuit, arrest, and extradition of such person, in conformity with the stipulations of the present treaty.

ARTICLE 2.

The present convention shall be ratified, and the ratifications exchanged at Paris as soon as possible.

It shall become effective ten days after its promulgation in the form required by the legislation of the respective countries, and shall have the same force and the same duration as the treaty to which it relates.

In faith whereof, the respective plenipotentiaries have signed the present convention and attached their seals thereto.

Done at Paris, in duplicate, the 17th of October, 1908.

[L. s.]

S. PICHON.

[L. s.]

FRANCIS BERTIE.

TREATY BETWEEN GREAT BRITAIN AND SIAM.¹

Signed at Bangkok, March 10, 1909.

His majesty the king of the United Kingdom of Great Britain and Ireland and of the British dominions beyond the seas, Emperor of India, and his majesty the king of Siam, being desirous of settling various questions which have arisen affecting their respective dominions, have decided to conclude a treaty, and have appointed for this purpose as their plenipotentiaries:

His majesty the king of Great Britain, Ralph Paget, Esq., his envoy extraordinary and minister plenipotentiary, etc.;

His majesty the king of Siam, his royal highness Prince Devawongse Varoprakar, minister for foreign affairs, etc.;

Who, after having communicated to each other their respective full powers, and found them to be in good and due form, have agreed upon and concluded the following articles:

¹ Text from British Blue Book, Siam, No. 1 (1909), [Cd. 4646].

ARTICLE 1.

The Siamese government transfers to the British government all rights of suzerainty, protection, administration, and control whatsoever which they possess over the states of Kelantan, Tringganu, Kedah, Perlis, and adjacent islands. The frontiers of these territories are defined by the boundary protocol annexed hereto.

ARTICLE 2.

The transfer provided for in the preceding article shall take place within thirty days after the ratification of this treaty.

ARTICLE 3.

A mixed commission, composed of Siamese and British officials and officers, shall be appointed within six months after the date of ratification of this treaty, and shall be charged with the delimitation of the new frontier. The work of the commission shall be commenced as soon as the season permits, and shall be carried out in accordance with the boundary protocol annexed hereto.

Subjects of his majesty the king of Siam residing within the territory described in article 1 who desire to preserve their Siamese nationality will, during the period of six months after the ratification of the present treaty, be allowed to do so if they become domiciled in the Siamese dominions. His Britannic majesty's government undertake that they shall be at liberty to retain their immovable property within the territory described in article 1.

It is understood that in accordance with the usual custom where a change of suzerainty takes place, any concessions within the territories described in article 1 hereof to individuals or companies, granted by or with the approval of the Siamese government, and recognized by them as still in force on the date of the signature of the treaty, will be recognized by the government of his Britannic majesty.

ARTICLE 4.

His Britannic majesty's government undertake that the government of the Federated Malay States shall assume the indebtedness to the Siamese government of the territories described in article 1.

ARTICLE 5.

The jurisdiction of the Siamese International Courts, established by article 8 of the treaty of the 3rd September, 1883, shall, under the con-

ditions defined in the jurisdiction protocol annexed hereto, be extended to all British subjects in Siam registered at the British consulates before the date of the present treaty.

This system shall come to an end, and the jurisdiction of the International Courts shall be transferred to the ordinary Siamese courts after the promulgation and the coming into force of the Siamese codes, namely, the penal code, the civil and commercial codes, the codes of procedure, and the law for organization of courts.

All other British subjects in Siam shall be subject to the jurisdiction of the ordinary Siamese courts under the conditions defined in the jurisdiction protocol.

ARTICLE 6.

British subjects shall enjoy throughout the whole extent of Siam the rights and privileges enjoyed by the natives of the country, notably the right of property, the right of residence and travel.

They and their property shall be subject to all taxes and services, but these shall not be other or higher than the taxes and services which are or may be imposed by law on Siamese subjects. It is particularly understood that the limitation in the agreement of the 20th September, 1900, by which the taxation of land shall not exceed that on similar land in Lower Burmah, is hereby removed.

British subjects in Siam shall be exempt from all military service, either in the army or navy, and from all forced loans or military exactions or contributions.

ARTICLE 7.

The provisions of all treaties, agreements, and conventions between Great Britain and Siam, not modified by the present treaty remain in full force.

ARTICLE 8.

The present treaty shall be ratified within four months from its date.

In witness whereof the respective plenipotentiaries have signed the present treaty and affixed their seals.

Done at Bangkok, in duplicate, the 10th day of March, in the year 1909.

[Signed] RALPH PAGET.

[SEAL]

[Signed] DEVAWONGSE VAROPRAKAR.

[SEAL]

Boundary protocol annexed to the treaty dated March 10, 1909.

The frontiers between the territories of his majesty the king of Siam and the territory over which his suzerain rights have by the present treaty been transferred to his majesty the king of Great Britain and Ireland are as follows:

Commencing from the most seaward point of the northern bank of the estuary of the Perlis River and thence north to the range of hills which is the watershed between the Perlis River on the one side and the Pujoh River on the other; then following the watershed formed by the said range of hills until it reaches the main watershed or dividing line between those rivers which flow into the Gulf of Siam on the one side and into the Indian Ocean on the other; following this main watershed so as to pass the sources of the Sungei Patani, Sungei Telubin, and Sungei Perak, to a point which is the source of the Sungei Pergau; then leaving the main watershed and going along the watershed separating the waters of the Sungei Pergau from the Sungei Telubin, to the hill called Bukit Jeli or the source of the main stream of the Sungei Golok. Thence the frontier follows the thalweg of the main stream of the Sungei Golok to the sea at a place called Kuala Tabar.

This line will leave the valleys of the Sungei Patani, Sungei Telubin, and Sungei Tanjung Mas and the valley on the left or west bank of the Golok to Siam and the whole valley of the Perak River and the valley on the right or east bank of the Golok to Great Britain.

Subjects of each of the parties may navigate the whole of the waters of the Sungei Golok and its affluents.

The island known as Pulo Langkawi, together with all the islets south of mid-channel between Terutau and Langkawi and all the islands south of Langkawi shall become British. Terutau and the islets to the north of mid-channel shall remain to Siam.

With regard to the islands close to the west coast, those lying to the north of the parallel of latitude where the most seaward point of the north bank of the estuary of the Perlis River touches the sea shall remain to Siam, and those lying to the south of that parallel shall become British.

All islands adjacent to the eastern states of Kelantan and Tringganu, south of a parallel of latitude drawn from the point where the Sungei Golok reaches the coast at a place called Kuala Tabar shall be transferred to Great Britain, and all islands to the north of that parallel shall remain to Siam.

A rough sketch of the boundary herein described is annexed hereto.²

2. The above-described boundary shall be regarded as final, both by the government of his Britannic majesty and that of Siam, and they mutually undertake that, so far as the boundary effects any alteration of the existing boundaries of any state or province, no claim for compensation on the ground of such alteration made by any state or province so affected shall be entertained or supported by either.

3. It shall be the duty of the boundary commission, provided for in article 3 of the treaty of this date, to determine and eventually mark out the frontier above described.

If during the operations of delimitation it should appear desirable to depart from the frontier as laid down herein, such rectification shall not under any circumstances be made to the prejudice of the Siamese government.

In witness whereof the respective plenipotentiaries have signed the present protocol and affixed their seals.

Done at Bangkok, in duplicate, the 10th day of March, 1909.³

[Signed]

RALPH PAGET.

[SEAL]

[Signed]

DEVAWONGSE VAROPRAKAR.

[SEAL]

² Not printed here; for map see document cited in note 1.

³ In connection with the above treaty the following notes, exchanged on the day of the signature of the treaty, should be read:

MR. PAGET TO PRINCE DEVAWONGSE.

March 10, 1909.

M. LE MINISTRE,

In view of the position of British possessions in the Malay Peninsula and of the contiguity of the Siamese Malay provinces with British-protected territory, his majesty's government are desirous of receiving an assurance that the Siamese government will not permit any danger to arise to British interests through the use of any portion of the Siamese dominions in the peninsula for military or naval purposes by foreign powers.

His majesty's government would therefore request that the Siamese government shall not cede or lease, directly or indirectly, to any foreign government any territory situated in the Malay peninsula south of the southern boundary of the Monthon Rajaburi, or in any of the islands adjacent to the said territory; also that within the limits above mentioned a right to establish or lease any coaling station, to build or own any construction or repairing docks, or to occupy exclusively any harbors, the occupation of which would be likely to be

Protocol concerning the jurisdiction applicable in the Kingdom of Siam to British subjects and annexed to the treaty dated March 10, 1909.

SECTION 1. International Courts shall be established at such places as may seem desirable in the interests of the good administration of justice; the selection of these places shall form the subject of an understanding between the British minister at Bangkok and the Siamese minister for foreign affairs.

SECTION 2. The jurisdiction of the International Courts shall extend —

1. In civil matters: to all civil and commercial matters to which British subjects shall be parties.
2. In penal matters: to breaches of law of every kind whether committed by British subjects or to their injury.

prejudicial to British interests from a strategic point of view, shall not be granted to any foreign government or company.

Since this assurance is desired as a matter of political expediency only, the phrase "coaling station" would not be held to include such small deposits of coal as may be required for the purposes of the ordinary shipping engaged in the Malay Peninsula coasting trade.

[Signed] RALPH PAGET.

PRINCE DEVAWONGSE TO MR. PAGET.

Foreign Office, Bangkok, March 10, 1909.

M. LE MINISTRE,

I have the honor to acknowledge receipt of your note of this date, in which you express the desire of your government that the Siamese government shall not cede or lease, directly or indirectly, to any foreign government any territory situated in the Malay Peninsula south of the southern boundary of the Monthon of Rajaburi or in any of the islands adjacent to the said territory; also that within the limits above mentioned a right to establish or lease any coaling station, to build or own any construction or repairing docks, or to occupy exclusively any harbors, the occupation of which would be likely to be prejudicial to British interests from a strategic point of view, shall not be granted to any foreign government or company.

In reply, I beg to say that the Siamese government gives its assurance to the above effect, taking note that the phrase "coaling station" shall not include such small deposits of coal as may be required for the purposes of the ordinary shipping engaged in the Malay Peninsula coasting trade.

I avail, etc.,

[Signed] DEVAWONGSE,
Minister for Foreign Affairs.

SECTION 3. The right of evocation in the International Courts shall be exercised in accordance with the provisions of article 8 of the treaty of the 3rd September, 1883.

The right of evocation shall cease to be exercised in all matters coming within the scope of codes or laws regularly promulgated as soon as the text of such codes or laws shall have been communicated to the British legation in Bangkok. There shall be an understanding between the ministry for foreign affairs and the British legation at Bangkok for the disposal of cases pending at the time that the said codes and laws are communicated.

SECTION 4. In all cases, whether in the International Courts or in the ordinary Siamese courts in which a British subject is defendant or accused, a European legal adviser shall sit in the court of first instance.

In cases in which a British born or naturalized subject not of Asiatic descent may be a party, a European adviser shall sit as a judge in the court of first instance, and where such British subject is defendant or accused the opinion of the adviser shall prevail.

A British subject who is in the position of defendant or accused in any case arising in the provinces may apply for a change of venue, and should the court consider such change desirable the trial shall take place either at Bangkok or before the judge in whose court the case would be tried at Bangkok. Notice of any such application shall be given to the British consular officer.

SECTION 5. Article 9 of the treaty of the 3rd September, 1883, is repealed.

Appeals against the decisions of the international courts of first instance shall be adjudged by the Siamese court of appeal at Bangkok. Notice of all such appeals shall be communicated to his Britannic majesty's consul, who shall have the right to give a written opinion upon the case to be annexed to the record.

The judgment on appeal from either the international courts or the ordinary Siamese courts shall bear the signature of two European judges.

SECTION 6. An appeal on a question of law shall lie from the court of appeal at Bangkok to the supreme or Dika court.

SECTION 7. No plea of want of jurisdiction based on the rules prescribed by the present treaty shall be advanced in any court after a defence on the main issue has been offered.

SECTION 8. In order to prevent difficulties which may arise in future from the transfer of jurisdiction contemplated by the present treaty and protocol, it is agreed

(a) All cases in which action shall be taken subsequently to the date of the ratification of this treaty shall be entered and decided in the competent International or Siamese Court, whether the cause of action arose before or after the date of ratification.

(b) All cases pending in his Britannic majesty's courts in Siam on the date of the ratification of this treaty shall take their usual course in such courts and in any appeal court until such cases have been finally disposed of, and the jurisdiction of his Britannic majesty's courts shall remain in full force for this purpose.

The execution of the judgment rendered in any such pending case shall be carried out by the International Courts.

In witness whereof the respective plenipotentiaries have signed the present protocol and affixed their seals.

Done at Bangkok, in duplicate, the 10th day of March, 1909.⁴

[Signed] RALPH PAGET.

[SEAL]

[Signed] DEVAWONGSE VAROPRAKAR.

[SEAL]

⁴ In connection with the above protocol the following notes, exchanged on the date of its signature, should be read:

PRINCE DEVAWONGSE TO MR. PAGET.

Foreign Office, Bangkok, March 10, 1909.

M. LE MINISTRE,

With reference to the provision contained in article 4 of the jurisdiction protocol to the effect that in all cases in which a British subject is defendant or accused a European adviser shall sit in court, I would express the hope, on behalf of his majesty's government, that his Britannic majesty's government will be prepared in due course to consider the question of a modification of or release from this guarantee when it shall be no longer needed; and, moreover, that in any negotiations in connection with such a modification or release the matter may be treated upon its merits alone, and not as a consideration for which some other return should be expected.

The Siamese government appreciates that a treaty like the one signed to-day marks an advance in the administration of justice in the kingdom. The conclusion of such a treaty is in itself a sign of progress. It is the intention of the Siamese government to maintain the high standard in the administration of justice which it has set before it, and towards which it has been working for some time.

In this connection I take pleasure in acknowledging the contribution which Mr. J. Stewart Black has made to this work.

I wish also to say that provision will be made for the treatment of European

ARBITRATION AGREEMENT BETWEEN THE UNITED KINGDOM AND
COLOMBIA.

Signed at Bogotá, December 30, 1908.

The government of His Britannic Majesty and the government of the Colombia republic, signatories of the convention for the pacific settlement of international disputes, concluded at the Hague, on the 29th July, 1899;

Taking into consideration that by article 19 of that convention the high contracting parties have reserved to themselves the right of concluding agreements, with a view to referring to arbitration all questions which they shall consider possible to submit to such treatment,

prisoners according to the standard usual for such prisoners in Burmah and the Straits Settlements.

I avail, etc.,

[Signed]

DEVAWONGSE,

Minister for Foreign Affairs.

MR. PAGET TO PRINCE DEVAWONGSE.

March 10, 1909.

M. LE MINISTRE,

With reference to the guarantee contained in the first paragraph of article 4 of the jurisdiction protocol, I have the honor to state that his majesty's government will be prepared in due course to consider the question of modification of or release from this guarantee when it shall no longer be needed. His majesty's government are also willing that in any negotiations in connection with such a modification or release the matter shall be treated upon its merits alone, and not as a consideration for which some other return shall be expected.

His majesty's government learn with much satisfaction that it is the intention of the Siamese government to maintain the high standard in the administration of justice which it has set before it, and towards which it has been working for some time; and I may assure your royal highness that it will be the aim of his majesty's government in every manner to second the efforts of his Siamese majesty's government in this direction.

I wish also to say that the International Courts referred to in section 1 of the protocol on jurisdiction annexed to the treaty signed to-day need not necessarily be courts especially organized for this purpose. Provincial ("Monthon") courts or district ("Muang") courts may constitute International Courts, according as British subjects may be established in greater or less number within the jurisdiction of those courts. The fact that an ordinary court is designated as an International Court will have as a consequence the introduction into that ordinary court of all the provisions relating to International Courts secured by the protocol on jurisdiction.

[Signed]

RALPH PAGET.

Have authorized:

The government of His Britannic Majesty, Mr. Francis William Stronge, minister resident; and

The government of the republic of Colombia, Señor Doctor Francisco José Urrutia, minister for foreign affairs,
to conclude the following arrangement:

ARTICLE 1.

Differences which may arise of a legal nature, or relating to the interpretation of treaties existing between the two contracting parties, and which it may not have been possible to settle by diplomacy, shall be referred to the permanent court of arbitration established at the Hague by the convention of the 29th July, 1899, provided, nevertheless, that they do not affect the vital interests, the independence or the honor of the two contracting states, and do not concern the interests of third parties.

ARTICLE 2.

In each individual case the high contracting parties, before appealing to the permanent court of arbitration, shall conclude a special agreement defining clearly the matter in dispute, the scope of the powers of the arbitrators, and the periods to be fixed for the formation of the arbitral tribunal and the several stages of the procedure.

ARTICLE 3.

The present agreement is concluded for a period of five years, dating from the day of signature.

Done in duplicate at Bogotá, the thirtieth day of December, one thousand nine hundred and eight.

(L. S.)

FRANCIS STRONGE.

(L. S.)

FRANCISCO JOSÉ URRUTIA.

DECLARATION BETWEEN THE UNITED KINGDOM AND GERMANY REFERRING
SOUTHERN BOUNDARY OF BRITISH TERRITORY OF WOLFISH BAY TO
ARBITRATION.

Signed at Berlin, January 30, 1909.

Whereas on the first day of July 1890, an agreement was signed respecting questions affecting the colonial interests of Great Britain and Germany,

And whereas the third article of this agreement dealt with the limits of the sphere in South West Africa in which the exercise of influence was reserved to Germany, and provided *inter alia*, that "the delimitation of the southern boundary of the British territory of Walfish Bay is reserved for arbitration, unless it shall be settled by the consent of the two powers within two years from the date of the conclusion of this agreement,"

And whereas the period of two years specified in the agreement elapsed without any settlement of the question of the southern boundary having been reached,

And whereas in 1904 the question was referred to two local commissioners, one appointed by the government of the colony of the Cape of Good Hope, and the other by the German Government,

And whereas the two commissioners presented a joint report from which it appeared that they were unable to agree in regard to the question in dispute,

Now therefore the government of His Britannic Majesty and the Imperial German Government have accordingly decided in pursuance of the provisions of the said third article of the agreement of the first of July 1890, to have recourse to the arbitration of his majesty the King of Spain in the manner provided in the following articles:

ARTICLE 1.

His Majesty the King of Spain shall be asked to select from among his subjects a jurist of repute to decide as arbitrator in the matter of the delimitation of the southern boundary of the British territory of Walfish Bay.¹

ARTICLE 2.

Within a period of ten months from the date of signing of the present declaration each of the two parties shall present to his majesty the King of Spain for communication to the arbitrator, a memorandum on the question at issue between them.

ARTICLE 3.

After the period fixed in article 2 each of the parties shall have a further period of eight months within which to furnish the arbitrator, if it is considered necessary, with a reply to the memorandum presented by the other party.

¹ On March 13, 1909, the King of Spain announced the appointment of Don Joaquin Fernandez Prida, professor of history and international law at the Central University, as arbitrator in the above case.

ARTICLE 4.

The memorandum and the reply and any documents annexed to them, shall be printed and shall be delivered in duplicate to his majesty the King of Spain and simultaneously to the other party. The memorandum and the reply of each party shall be in the language of that party and it shall not be necessary for them to be accompanied by a translation.

ARTICLE 5.

The arbitrator shall have the right to ask for such explanations from the parties as he may deem necessary and shall decide any question of procedure not foreseen by the declaration, and any incidental points which may arise.

ARTICLE 6.

The arbitrator may employ any necessary help and in particular, if he thinks fit, either with or without the previous request of one of the parties he may appoint an expert officer to proceed to the spot and make any survey or examination or receive any oral evidence which he may consider necessary to enable him to arrive at a decision.

ARTICLE 7.

On the application of either party the arbitrator may, if he thinks fit, grant an extension of time for the delivery of the memorandum or the reply.

ARTICLE 8.

Each of the parties shall bear their own expenses of the arbitration and the common expenses of the arbitration such as the honorarium to be paid to the arbitrator, and, if necessary, his travelling or any other expenses, shall be shared equally between the two parties to the arbitration.

ARTICLE 9.

The decision of the arbitrator when communicated to the parties by his majesty the King of Spain, shall be accepted as final.

Berlin, January 30, 1909.

[L. s.]

W. E. GOSCHEN.

[L. s.]

v. SCHOEN.

CONVENTION BETWEEN THE GOVERNOR OF THE TRANSVAAL AND THE
PORTUGUESE PROVINCE OF MOZAMBIQUE.

April 1, 1909.

Convention made and entered into between William Waldegrave, Earl of Selborne, a member of his Britannic Majesty's most honorable Privy Council, Knight Grand Cross of the Most Distinguished Order of St. Michael and St. George and Governor of the Transvaal and as such acting for and in behalf of the government of the Transvaal (hereinafter called the Transvaal government) of the one part and Thomaz Antonio Garcia Rosado, lieutenant-colonel of the general staff, councillor and equerry to his most faithful majesty the King of Portugal, formerly governor-general of the province of Mozambique and in this convention acting for and on behalf of the government of that province (hereinafter called the government of the province) of the other part.

The said two governments have mutually agreed and do hereby covenant and agree with each other to replace an agreement between them known as the *modus vivendi*, signed at Lourenço Marques, on the 18th day of December, 1901, together with the addendum thereto dated the fifteenth day of June, 1904, by the provisions following, that is to say:

PART 1.

Matters concerning natives.

1. Under this convention the government of the province will permit recruiting within the territories under its direct administration of native laborers for the mining industries of the Transvaal: provided that such permission will not be effective within areas the natives of which are subject to obligations under local laws at present in force or under legal contracts now existing with the government of the province, if those obligations would be interfered with by any recruiting operations.

2. Except in so far as may be in conflict with this convention, recruiting operations shall be conducted in accordance with regulations at present in force in the province; but the government of the province may alter the said regulations, subject, however, to agreement between the two governments whenever such alteration affects recruiting operations.

3. The government of the province reserves the right to prohibit recruiting by or allotment to a Transvaal employer who, upon a joint investigation by representatives of each government, may be found to

have failed, in some substantial respect or persistently after warning, to comply with the obligations imposed by this convention or by any regulation in force in the province not inconsistent with this convention. In the event of the representatives of both governments not being able to agree, they shall appoint an umpire whose findings shall be final.

4. Every licence to recruit native laborers shall be granted by the government of the province.

Each application for a recruiting licence shall be made through the intendent of emigration at Lourenço Marques, and no application shall be granted unless it be accompanied by a certificate from the Transvaal Secretary for Native Affairs to the effect that the Transvaal government supports the application and that it is made on behalf of an employer or employers of labor connected with the mining industries of the Transvaal.

Every applicant shall at the same time produce a written undertaking on his own behalf and on behalf of his employers to fulfill all obligations under any regulations in force in the province or contemplated by this convention.

The guarantee deposit and licence which the recruiter has to pay shall not exceed those provided by the provincial regulations of the 18th November, 1897.

Recruiting licences shall be issued in respect of any one district, and for this purpose the old district boundaries existing in 1907 may be followed, but a licence issued in respect of one district shall on application be transferred to another without extra charge.

Recruiting licences may at any time be cancelled by the government of the province in accordance with the emigration regulations of the province.

If at any time after the granting of a licence the Transvaal government raises any objection against the holder of such licence, the government of the province agrees to withdraw the licence.

5. Before leaving the province every laborer shall be supplied with a passport available for one year, for which a fee of thirteen shillings shall be paid to the government of the province by the employer. No other fees shall be charged in connection with legally recruited natives, except those specified in this convention.

6. No laborer shall be engaged in the first instance for a longer period than one year, but at the end of the first period he may be re-engaged for a further period or periods, but so that such period or periods, together with the first period, shall not, without the special permission of the Portuguese Curator hereinafter referred to, exceed two years.

Any laborer who fails to return to the province of Mozambique at the expiration of his period of service, including any period of re-engagement, shall, unless he shall have obtained special permission from the curator, be considered a clandestine immigrant for all the purposes of this convention.

7. The Transvaal government guarantees that natives will be given their discharge at the expiration of the period of contract, including any period of re-engagement, and that no pressure shall be put on them to renew their contracts.

8. The Portuguese curator shall be entitled to receive a fee of one shilling and sixpence for every three months or part thereof, in respect of every Portuguese native to whom this convention applies and who has been in the Transvaal for more than one year. Such fee shall be paid to the Portuguese curator by the employer.

9. A Portuguese official will undertake the duties of curator for Portuguese natives in the Transvaal.

The curator shall be the sole official charged with the functions of a consular officer with respect to such natives, and, in addition to the powers vested in him by the regulations now in force in the province, the following powers and duties shall attach to him:

(a) To approach the Transvaal authorities with a view to arriving at an understanding in matters relating to Portuguese natives residing in the Transvaal.

(b) To collect all fees payable to the curator under this convention in respect of Portuguese natives in the Transvaal.

(c) To issue or refuse Portuguese passes to clandestine immigrants.

(d) To grant or refuse the extension of Portuguese passes to Portuguese natives.

(e) To promote by all means at his command the registration of Portuguese natives in the Transvaal.

(f) To organize a deposit and transfer agency for moneys belonging to Portuguese natives.

(g) To ascertain the allotment of laborers to the different mines for the purpose of recording their places of employment.

10. The railway charges for natives returning to the Portuguese frontier shall be equally favorable with the railway charges made for natives from the Portuguese frontier into the Transvaal.

11. The following customs provisions shall apply to goods and baggage

of native laborers returning from the mining industries of the Transvaal, but the details of these provisions may be revised from time to time by mutual arrangement:

(a) Each native laborer will, subject to the terms of subsection (b) of this article, be permitted by the Portuguese customs to carry with him into the province, free of duty and from formal examination, up to sixty kilograms (equal to one hundred and thirty-two pounds) gross weight of baggage.

(b) The Portuguese customs, however, reserve the right to examine occasionally and from time to time the baggage carried by the said natives, in order to satisfy themselves that no excessive quantities of goods for trading purposes are being imported under cover of the above privilege.

(c) In the event of any native, after examination, being found to carry goods whereon the duty leviable according to the Portuguese tariffs, is more than 2,250 reis (ten shillings), but does not exceed 2,750 reis (twelve shillings) there shall be collected from the native on such goods the difference between 1,687.5 reis (seven shillings and sixpence) and the actual duty leviable.

(d) No native referred to in this article will be permitted to have in his possession merchandize upon which the Portuguese customs duties exceed 2,750 reis (twelve shillings); the bearer of goods the duties whereon exceed that amount shall be liable to the penalties prescribed by the Portuguese customs law and regulations, other than the confiscation of such goods; but nothing in this subsection contained shall be deemed to prevent the confiscation of contraband goods, such as dynamite, powder, firearms, fuses, and the like, when introduced into the province by any such native.

(e) It is understood that, for the purpose of the computation of duties only such goods as are at the present time ordinarily liable to duty shall be assessed, that is to say, only such goods as by reason of their quantity, nature, or condition, can not be considered as personal effects of the natives.

(f) In consideration of the above, the Transvaal government will pay to the customs of the province the sum of seven shillings and sixpence per head for each and every native laborer of the province returning from the mining industries of the Transvaal.

12. Subject to the terms of this convention every native of the province in the Transvaal must be in possession of a Portuguese pass or passport issued by the authorities of the province.

Any such native found within the Transvaal without such pass or passport shall be considered a clandestine immigrant and shall obtain from the Portuguese curator or his representative a pass for which a fee of twenty shillings shall be paid.

13. No Portuguese native in possession of a Portuguese passport lawfully under this convention shall be liable to pay native tax under the laws of the Transvaal.

14. This convention shall not apply to a native who

(a) entered the Transvaal from the province of Mozambique prior to the 11th day of October, 1899; and

(b) has not, since that day, resided continuously in a labor district in the Transvaal.

15. No Transvaal pass shall be issued to a Portuguese native who fails to produce a Portuguese pass or passport lawfully issued, except in districts where the curator has no representative, in which case Transvaal pass officers may issue a pass, but shall send all details to the Portuguese curator in order that the native may be provided with a Portuguese pass, and the curator shall collect the amount due from the employer (if any) or from the native if he has no employer.

If, however, the curator refuses to issue a pass to such native his Transvaal pass shall forthwith be cancelled in accordance with the Transvaal pass regulations.

16. Except upon production of a written authority from the Portuguese curator, no pass shall be issued by an official of the Transvaal government

(a) to clandestine immigrants who, being in possession of a Portuguese pass or passport, desire to be employed otherwise than in the mining industries;

(b) to natives who desire to work for an employer and who did not enter the Transvaal after executing a contract in accordance with law in the province, or who desire to work with a new employer.

Whenever a Portuguese native is authorized to work for any person (not being the employer by whom he was originally engaged in accordance with law in the province), or whenever a native is authorized to work for a new employer, the Portuguese curator shall receive from the employer or native a registration fee of ten shillings. When the engagement of native laborers is made by an agency which is authorized to recruit on behalf of several employers such laborers shall be regarded for the purposes of this article as having been originally engaged for any of such employers.

17. No pass shall be issued in the Transvaal to enable a Portuguese native to travel to any other colony or territory except the province of Mozambique without the production of a written authority from the Portuguese curator.

18. The Transvaal government shall assist the curator

(a) by facilitating access by him or his representatives to compounds and to all other places where Portuguese natives are located;

(b) by facilitating the collection of fees payable to the curator under this convention in respect of Portuguese natives in the Transvaal;

(c) by refusing, so far as the Transvaal law allows, the issue or renewal of Transvaal passes to Portuguese natives who fail to produce a valid Portuguese passport;

(d) by causing all cases of deaths, accidents, and desertions of Portuguese natives to be reported to him;

(e) by issuing instructions to all pass officers to the effect that the number of the Portuguese passport must always be mentioned distinctly in the Transvaal pass for reference;

(f) by issuing instructions to pass officers to the effect that all Portuguese natives must report themselves at the curator's office before returning home. In districts where the curator is not represented passes of Portuguese natives desiring to return home shall be sent to him for endorsement.

(g) by promoting the return home of time-expired laborers *viâ* Ressano Garcia or any other place on the border which may be agreed upon by the two governments.

19. The Transvaal government shall, so far as the Transvaal law allows, assist the Portuguese curator in preventing the residence in the Transvaal of Portuguese natives without Portuguese passes or with Portuguese passes which are time-expired, and also in discouraging and preventing the entry into the Transvaal of clandestine immigrants.

20. All moneys received for administration by native affairs officials of the Transvaal government in connection with the estates of deceased Portuguese natives shall be paid over to the curator, whose acquittances shall be a sufficient discharge therefor. The curator shall also be notified of the particulars of compensation payable in respect of accidents, in order that such compensation may be paid to the beneficiaries through his office.

PART 2.

Matters concerning railways and port.

21. The two governments will mutually and in consultation with each other devise and put into operation means and methods for facilitating and developing both the import and export traffic to and from the Transvaal *viâ* Lourenço Marques.

22. The two governments, with respect to traffic of all descriptions for export oversea from the Transvaal through the port of Lourenço Marques, will mutually take such steps as may be considered expedient for facilitating and encouraging the same, and for this purpose they agree that the throughout railway rates

(a) from stations on the Central South African Railways within the competitive area,

(b) from stations between Germiston (including Pretoria) and Komati Poort,

(c) from stations on branch lines connecting either directly with the competitive area or with the through line from Germiston and from Pretoria to Lourenço Marques,

shall in no case be higher than those which are chargeable from such stations by any other export route, and that they shall be divided between the two railway administrations on a mileage basis unless the board hereinafter mentioned decides otherwise. Before such division is made there shall be deducted the terminal allowances now accruing to each administration under existing agreements or such other terminal allowances as may from time to time be mutually agreed upon. The charges of all descriptions at the said port for shipping and other services on such traffic shall in no case exceed the lowest charges on similar traffic exported through any port in South Africa having government railway communication with the interior.

23. In the event of it being found during the continuance of this convention that the gross tonnage of the seaborne goods traffic included in the normal, intermediate, and intermediate B classes combined or the gross tonnage of the seaborne goods traffic included in the remaining classes combined passing through the port of Lourenço Marques to the competitive area, as compared with the gross tonnage of such traffic by all routes combined, shall fall below fifty per cent., or rise above fifty-five per cent., of the total gross tonnage of the respective combined classes referred to, then in the former case the government of the prov-

ince, and in the latter case the Transvaal government shall have the right to claim the readjustment of railway rates. Such readjustment of rates shall be made as shall be calculated to restore as nearly as possible the percentage of such traffic within the limits provided for herein. Such readjustment shall take place if necessary every six months and the percentages shall be calculated at the end of June and December in each year. The competitive area shall mean the area between the stations Pretoria, Springs, Germiston, Vereeniging, Klerksdorp, inclusive, and seaborne goods traffic shall exclude traffic for the civil, military, and railway authorities.

24. If shipping freights to or from any South African port on traffic to or from the Transvaal be so altered as to influence the course of oversea trade to or from the competitive area to a material extent, the two governments shall thereupon take such action jointly and in consultation as they may consider most expedient to give effect to the provisions of the last preceding article.

25. If railway rates on traffic from Lourenço Marques to stations in the Transvaal require to be altered either for the purpose of maintaining the percentage of tonnage mentioned in article twenty-three or for any other cause, the alteration shall be arranged by the administration of the C. S. A. R., after consultation with the administration of the C. F. L. M.,¹ and the rates so altered shall be divided between the two administrations in proportion to the division existing before such alteration.

The rates to be charged from Lourenço Marques over any new railway opened for working within the Transvaal after the date of this convention shall be arranged by the administration of the C. S. A. R., after consultation with the administration of the C. F. L. M., and shall, after the deduction of terminals at the amount obtaining for similar classes of traffic to stations on existing lines, be divided between the two administrations according to mileage; provided that the share of such rates falling to the C. F. L. M., in division shall not without the concurrence of that administration, be less than the share received by it in respect of similar traffic to Johannesburg.

The division of railway rates on existing lines between the C. F. L. M. and C. S. A. R. administrations on traffic carried between Transvaal

¹ C. S. A. R. is the abbreviation for Central South African Railways; C. F. L. M. for Caminhos de Ferro de Lourenço Marques.

and C. F. L. M. stations shall, unless otherwise agreed, continue as at present, and any new rates introduced on such lines shall be divided in the same manner; provided that if any alteration of such new rates takes place, the altered rates shall be divided between the two administrations in proportion to the division existing before such alteration.

The railway rates on the several classes of traffic from Lourenço Marques to stations east of Pretoria and to stations between Witbank and Brakpan and to stations east of Springs or the Springs-Breyten line shall not in any case be higher than the rates to Pretoria, Brakpan, and Springs, respectively.

The rates from any other port on oversea traffic to the stations east of Pretoria, Brakpan or Springs, respectively, shall not be lower than the through rates from any such port to Pretoria, Brakpan, or Springs, respectively, *plus* the ordinary local rates for the time being chargeable for the distance between Pretoria, Brakpan, or Springs, respectively, and such stations.

The rates from Lourenço Marques on oversea traffic to the stations west of Klerksdorp, south of Vereeniging and beyond Germiston in the direction of Volksrust respectively shall not be lower than the through rates from Lourenço Marques to Klerksdorp, Vereeniging, or Germiston respectively *plus* the ordinary local rates for the time being chargeable for the distance between Klerksdorp, Vereeniging, or Germiston, respectively, and such stations.

26. For the purpose of better carrying out in detail the provisions of this part of this convention

(a) a joint board shall be constituted consisting of four delegates, two being representatives of the Transvaal government and two of the government of the province of Mozambique. One of the representatives of the government of the province shall be chairman of the board and shall preside at all meetings. Each delegate shall, subject to the approval of his government, have power to appoint one alternate delegate to act in his place while he is absent from any board meeting;

(b) the board shall have its head office at Lourenço Marques where all its meetings shall be held, unless otherwise agreed;

(c) a meeting of the board shall be deemed to be constituted if one delegate representing the Transvaal and one representing the province be present thereat;

(d) no decision or resolution of the board shall be valid unless

it be agreed to by all the delegates present at the meeting. If the delegates do not unanimously agree upon any question submitted to the board the matter shall be referred to the two governments for consideration and mutual decision and pending, or failing, such mutual decision by the two governments, the *status quo ante* the decision or resolution of the board shall be maintained;

(e) the minutes and resolutions of the board shall be reported immediately after their adoption to the Transvaal government and the government of the province and shall not be given effect to for ten days after being so reported, unless the two governments have specially agreed otherwise in respect to any specific questions or resolutions. If neither government notify the board expressing disapproval of such resolutions within such period of ten days, then the same shall be considered as approved and effect shall be given thereto;

(f) both governments shall give the board all such powers, facilities, and assistance, whether by enacting new laws, regulations or otherwise, as may be necessary for the efficient and expeditious carrying out of this part of the convention;

(g) the office and other expenses of the board, but not the remuneration of the individual members, shall be borne by the administrations of the C. F. L. M. and the C. S. A. R., in equal shares;

(h) the board shall be constituted before the first day of July, 1909.

27. With respect to import traffic to the Transvaal no port, municipal, or other charges at the said port shall be increased nor shall railway rates be increased over the C. F. L. M., nor shall any of the existing facilities be withdrawn or lessened by legislation or by any regulations or other means unless the board shall previously have agreed to.

28. Neither administration shall, without agreement with the other, impose railway rates for conveyance of the products of the soil or of the industry of the Transvaal or of the province (as the case may be) so as to defeat the intention of Part 3 of this convention providing for the interchange of products of the soil and of the industry between the Transvaal and the province.

29. When capital expenditure becomes necessary for effecting improvements to the said port or for increasing the facilities in connection with the import and export traffic, the members of the board shall in consultation prepare an estimate of such expenditure, and also a

scheme for raising the capital and executing the improvements. Such capital shall be raised on the most favorable terms possible. Neither of the two governments shall, however, be bound to adopt the recommendations of the board.

30. For the purpose of economy and efficiency, the engines, trains, and running staffs in charge thereof, shall not be restricted to the lines of the administration to which they belong, but may, so far as the two governments mutually agree, be run over the railway lines of the other administration.

31. The administration of the C. S. A. R. shall include any authority in whom the management and control of the railways in the Transvaal are for the time being vested.

PART 3.

Commercial intercourse and customs.

32. The products of the soil or of the industry of the province of Mozambique shall not be liable to the payment of any import, export, or transit duties in the Transvaal and, *vice versa*, the products of the soil or of the industry of the Transvaal shall not be liable to any import, export, or transit duties in the province of Mozambique.

33. Notwithstanding the provisions of the last preceding articles

(a) liquors distilled and fermented liquors made in the province of Mozambique shall be subjected on entering the Transvaal to the highest import duties of liquors imported from oversea, and, *vice versa*, liquors distilled and fermented liquors made in the Transvaal shall be subjected to the highest import duties on liquors imported from oversea on entering the province of Mozambique.

(b) the products of the industry of the Transvaal will only be admitted free of duty into the province of Mozambique and the products of the industry of that province will only be admitted free of duty into the Transvaal, if the elements or chief constituent parts thereof are the products of the soil of the Transvaal or of that province, as the case may be.

For the purpose of this article distilled liquors and fermented liquors shall mean liquors containing more than three per cent. of proof spirit, equivalent to 1.716 degrees centigrade.

34. Subject to the provisions of the last preceding article, products of the soil or of the industry of the province shall, if brought into the

Transvaal, only be liable to the lowest tax, municipal or otherwise, imposed in the Transvaal on any similar article, whether produced in the Transvaal or not, and, *vice versâ*, products of the soil or of the industry of the Transvaal shall, if brought into the province, only be liable to the lowest tax, municipal or otherwise, imposed in the province on similar articles, whether produced in the province or not.

35. Merchandize of any origin or nationality imported through Lourenço Marques and bound for the Transvaal shall be entirely exempt from any charges whatsoever, excepting port and warehousing charges and the charges now known as industrial contribution. This article shall, however, be subject to the provisions of article twenty-seven of this convention.

36. Goods ex-bond and ex-open stocks within the Lourenço Marques district shall be admitted into the Transvaal upon payment of the duties in force in the Transvaal at the time of entry thereto, such duties being estimated on the oversea value of goods in the case of goods under the *ad valorem* classes.

For the purpose of this article, importers will be required, on arrival of the goods at Lourenço Marques, to pay the Transvaal duties to the Transvaal customs, or to satisfy such customs as to the due payment of those duties. Importers will be required to produce, when necessary, proofs to the satisfaction of the Transvaal customs as to the values of the goods, and to furnish any further information which may be required for the protection of the Transvaal revenue. In the case of goods on which Transvaal customs have been paid not entering the Transvaal, the amount so paid will be refunded by the Transvaal customs to the importers.

37. With respect to goods imported into the Transvaal and exported therefrom through the port of Lourenço Marques, no higher export duties shall be imposed, either in the Transvaal or in Lourenço Marques, than are levied on similar goods exported through the ports of the Cape Colony and Natal.

38. No higher duties or other taxes shall be levied in the Transvaal on goods imported thereto through the port of Lourenço Marques than are levied on similar goods imported into the Transvaal through the ports of the Cape Colony and Natal.

39. It shall be lawful to re-export from the bonded warehouses in Lourenço Marques and merchandise imported thereto, and the said merchandize shall be exempt from any export or reexportation duty, and

shall only be liable to the payment of warehouse charges and fees of port dues. The provisions of this article shall apply only to such merchandize as the Portuguese customs authorities are satisfied has been *bonâ fide* ordered for the Transvaal.

PART 4.

Miscellaneous.

40. If, on the establishment of a union of the South African colonies, the Transvaal becomes a party to such union, the government of the union shall take the place of the Transvaal government for all purposes of this convention, but in such event the provisions of this convention shall apply only to the areas originally contemplated.

41. This convention shall continue for ten years from the date hereof, and shall thereupon cease if either government has given one year's notice to the other of its intention to terminate it. If no such notice has been given, the convention shall continue from year to year until either government shall have given one year's notice to the other of its intention to terminate it.

42. This convention shall be executed both in the Portuguese language and in the English language.

Thus done at Pretoria under my hand under the public seal of the Transvaal, on behalf of the government of the Transvaal, this first day of April, 1909.

SELBORNE, (L. S.)
Governor of the Transvaal.

[The Portuguese version is signed by THOMAZ ANTONIO GARCIA ROSADO.]

CONSULAR CONVENTION BETWEEN JAPAN AND THE NETHERLANDS CONCERNING THE COLONIES AND POSSESSIONS OF THE NETHERLANDS.

Signed April 27, 1908.

His majesty the Emperor of Japan and her majesty the Queen of the Netherlands, deeming it desirable that, independently of the treaty of commerce and navigation between Japan and the Netherlands, a special convention should determine the rights, duties, powers, privileges, exemptions and immunities of the Japanese consular officers in the posses-

sions or colonies of the Netherlands, have named, for their plenipotentiaries, in order to conclude the said convention, to wit:

His majesty the Emperor of Japan: Sato Aimaro, Jushii, decorated with the second class of the Imperial Order of the Rising Sun, etc., his envoy extraordinary and minister plenipotentiary at The Hague;

And her majesty the Queen of the Netherlands: Jonkheer R. de Marees van Swinderen, knight of her order of the Netherlands Lion, etc., her minister of foreign affairs;

Who, after having communicated to each other their full powers, found in good and proper form, have agreed upon the following articles:

ARTICLE 1.

Consuls-general, consuls, vice-consuls, and consular agents of Japan shall be admitted into all the ports of the possessions beyond the sea or colonies of the Netherlands where agents of the same class of any other foreign nation reside or shall reside.

ARTICLE 2.

Consuls-general, consuls, vice-consuls, and consular agents of Japan shall be considered as commercial agents, protectors of the commerce of their nationals in their consular districts. They shall reside in the ports of the possessions beyond the sea, or colonies of the Netherlands, indicated in their commissions and shall be subject to the laws, civil as well as penal, of these possessions or colonies, save in the exceptions established by the present convention in their favor.

ARTICLE 3.

Before being admitted to the exercise of their functions and to the enjoyment of all the powers, privileges, exemptions and immunities, which appertain thereto, the consuls-general, consuls, vice-consuls and consular agents shall present to the government of her majesty the Queen of the Netherlands, a commission indicating their consular districts and the places of their residences.

The government of the possession or colony shall deliver to them, without any expense, the exequatur, duly countersigned, necessary for the exercise of their functions; and upon the exhibition of this, the said consular officers of every grade shall have the right of protection from the government and assistance from the local authorities to assure the free exercise of their functions.

The government of the Queen reserves the right of withdrawing the exequatur or having it withdrawn by the governor of the possession or colony, on indicating the reasons for this measure.

In case of death, incapacity, or absence of the consuls-general, consuls, vice-consuls and consular agents, their student-consuls, chancellors, or secretaries, after their official character shall have been notified to and approved by the competent authority, will be permitted as of right to manage *ad interim* the affairs of their respective posts; they shall enjoy during the period of this temporary management, so far as their position as foreigners not engaged in trade permits, in conformity with article 15, all the rights, powers, privileges, exemptions and immunities, accorded to the titular officers.

ARTICLE 4.

The consuls-general, consuls, vice-consuls and consular agents are authorized to place over the outer doors of their residences a coat of arms of their government with the inscription: consulate-general, consulate, vice-consulate, or consular agency of Japan.

It is understood that these exterior marks shall never be considered as giving the right of asylum, nor as withdrawing the house and those who live therein, from the jurisdiction of the local courts of justice.

ARTICLE 5.

It is understood that the archives and documents relative to consular affairs shall be protected against all search, and that no authority nor any magistrate shall inspect them, seize them or take possession of them in any manner whatsoever nor under any pretext.

ARTICLE 6.

The consuls-general, consuls, vice-consuls, and consular agents are not invested with any diplomatic character.

No request can be addressed to the Netherlands government except through the diplomatic agent accredited to the Hague.

In case of urgency the consuls-general, consuls, vice-consuls or consular agents shall have recourse directly to the governor of the possession or colony, establishing the urgency and setting forth the reasons why the request could not be addressed to the subordinate authorities, or showing that requests previously addressed to these authorities would have been without result.

ARTICLE 7.

The consuls-general and consuls shall have the power to name consular agents in the ports mentioned in the first article.

These consular agents may be indiscriminately Japanese subjects, Dutch, or nationals of any other country, residing, or being allowed under the terms of local laws to fix their residence in the port where the consular agent is named. These consular agents, whose selection shall be submitted for the approbation of the governor of the possession or colony, shall be furnished with a commission delivered by the consul, under the orders of which they shall exercise their functions.

The governor of the possession or of the colony can, in any case, withdraw from the consular agents the approbation just spoken of, on communicating to the consul-general or consul the reasons for such a measure.

ARTICLE 8.

The passport delivered or viséd by the consular officials does not in any way dispense with the bearer's obligation to provide himself with all the documents required by the laws, or local regulations to travel or settle in the possessions or colonies, and does not prejudice the exercise of the right possessed by the government of the possession or colony to forbid the sojourn or order the departure of every individual supplied with a passport.

ARTICLE 9.

All operations relative to the salvage of Japanese vessels, shipwrecked on the coasts of one of the possessions or colonies of the Netherlands, shall be directed by the consuls-general, consuls, vice-consuls, or consular agents of Japan.

The intervention of the local authorities shall be had solely to maintain order, guarantee the interests of the salvors, if they are strangers to the shipwrecked crews, and to assure the execution of the provisions to be observed for the importation and exportation of salvaged goods.

In the absence and until the arrival of the consuls-general, consuls, vice-consuls, or consular agents, the local authorities shall in addition take all necessary precautions to protect the individuals and preserve the shipwrecked goods.

In addition it is agreed that the merchandise saved shall not be held liable for any customs duty, unless it be admitted for internal consumption.

ARTICLE 10.

The consuls-general, consuls, vice-consuls and consular agents can request the assistance of the local authorities for the arrest, detention, and imprisonment of deserters from Japanese merchant or war vessels. For this purpose they shall address in writing to the competent authorities the request for these deserters, and if the evidence is borne out by the books of the vessels, the muster-rolls, or by any other authentic document, that the men claimed were part of the crew, the return of the deserters can not be refused, unless the individual concerned be a subject of the Netherlands.

The local authorities shall be required to exercise all their authority to cause the arrest of the deserters. After their arrest, the latter shall be put at the disposition of the said consular officials and shall be detained on the application and at the expense of those who claim them, to be sent back on board the vessels to which they belong, or another vessel of the same nation. Nevertheless, if these deserters are not sent back within four months after their arrest, they shall be set at liberty and can not be again arrested on the same charge.

It is understood, however, that the return of the deserter who has committed some crime, offence or infraction [of the law], shall be postponed until the court of the possessions, of the colonies, or of the mother country, having jurisdiction of the affair, has passed sentence and the latter has been executed.

ARTICLE 11.

In default of stipulations to the contrary between the owners, shippers and insurers, all damage sustained at sea by Japanese vessels, whether they come voluntarily in port, whether they find themselves forced into port, shall be regulated by the consuls-general, consuls, vice-consuls, or consular agents of Japan.

If, however, the consular officer has some interest in the ship or cargo, or if he is an agent therefor, or if subjects of the Netherlands or subjects or citizens of a third country are interested in the said damages, and the parties can not come to an agreement, recourse to the competent local authority will be a matter of right.

ARTICLE 12.

When a Japanese subject dies in the possessions or colonies of the Netherlands without heirs or known testamentary executors, the Nether-

lands authorities charged under the laws or ordinances of the possession or colony with the administration of the inheritance, shall immediately notify the consular officers of Japan so that the necessary information may be transmitted to those in interest; the latter, on their part, shall give the same information to the said authorities, when they are the first to be informed.

The competent local authority will complete the said notice by delivering a copy of the death record in due form and without charge.

ARTICLE 13.

The consuls-general, consuls, vice-consuls, and consular agents of Japan shall have the right to receive in their chancelleries, in their private residences, in those of the interested subjects of their country, or on board of vessels of their countries, the declarations of captains and crews of vessels of their countries, of the passengers who are on board, and of any other subject of their country.

ARTICLE 14.

The consuls-general, consuls, vice-consuls, or consular agents of Japan shall be exclusively charged with the interior order on board merchant vessels of their nation.

They alone shall take cognizance of all the differences which may have arisen at sea or which shall arise in port between the captain, the officers, and the men who form the crew, including those which concern the regulation of salaries and the execution of engagements agreed to on both sides.

The courts or the other authorities of the possession or colony shall not on any account embroil themselves in these differences, unless the latter be of a nature to disturb the peace and public order on land or in the port, or unless persons not belonging to the crew are concerned, or unless consuls-general, consuls, vice-consuls, and consular agents request the assistance of the said authorities to execute their decisions or maintain their authority.

ARTICLE 15.

So far as in Japan the same favors shall be accorded reciprocally to the consuls-general, consuls, vice-consuls and consular agents of the Netherlands, the consuls-general, consuls, vice-consuls, and consular agents of Japan who are not engaged in trade nor other duty or profession, other than their consular functions, shall be exempt from all mili-

tary services, requisitions or quartering of troops, pecuniary taxes in the place of military service, or personal tax, as well as from all general or municipal taxes, having a personal character, unless they be Netherlands subjects. This exemption can never extend to the customs duties or other indirect or real taxes.

The consuls-general, consuls, vice-consuls, and consular agents who are not Netherlands subjects, are, even if they do not fall under the provisions of the first paragraph of this article, exempt from all military service, military requisitions, and all pecuniary taxes, in place of military service, so far as in Japan the same privilege is accorded to the consuls-general, consuls, vice-consuls and consular agents of the Netherlands.

The consuls-general, consuls, vice-consuls and consular agents, subjects of the Netherlands, but who are allowed to exercise consular functions conferred by the Japanese government, are obliged to pay all the taxes or contributions of whatever nature they may be.

ARTICLE 16.

The consuls-general, consuls, vice-consuls and consular agents, as well as the student-consuls, the chancellors, and the secretaries of Japan shall enjoy all the other powers, privileges, exemptions and immunities in the possessions or colonies of the Netherlands, which are or shall be accorded subsequently to agents of the same rank of the most favored nation.

ARTICLE 17.

The present convention is concluded for a term of five years and shall be put in force beginning with the tenth day after the exchange of ratifications, which shall take place in Tokio within the period of four months after the signature of the convention or sooner if possible.

Unless one of the high contracting parties shall have notified the other at least before this term, of its intention to end it, the convention will remain in force until the expiration of a year after the denunciation made by one of the high contracting parties.

In faith whereof, the respective plenipotentiaries have signed the present convention and have here placed their seals and arms.

Done at the Hague, the 27th day of the fourth month of the forty-first year of Meiji, corresponding to the 27th day of the month of April, 1908.

[L. S.]

AIMARO SATO.

[L. S.]

R. DE MAREES VAN SWINDEREN.

ADDITIONAL TREATIES AND DOCUMENTS CONCERNING OPIUM.¹

BRAZIL—CHINA. *Treaty of Tientsin*. 1881.

ARTICLE IV.

The High Contracting Parties agree to prohibit the subjects of each of them from importing opium into the ports of the other which are open to commerce, and from transporting opium from one port to another of the other country, either on their own account or on account of subjects or citizens of any other nation, whether in vessels belonging to the subjects of the two High Contracting Parties or in vessels belonging to subjects or citizens of a third nation.

Neither shall the subjects of one of the High Contracting Parties be permitted to engage in the commerce of opium in the ports of the other which are open to commerce.

The most favored nation clause can not be invoked against the provisions of this Article.

GREAT BRITAIN—CHINA. *Convention between Great Britain and China relative to Burmah and China*. Signed at London, March 1, 1894.

ARTICLE XI.

The importation and exportation across the frontier, of opium and spirituous liquors is prohibited except in small quantities for the personal use of travellers. The amount to be permitted will be settled under Customs regulations. Infractions of the conditions set forth in this and the preceding Article will be punishable by confiscation of all the goods concerned.

JAPAN—CHINA. *Treaty of commerce and navigation*. Signed at Peking, July 21, 1896; ratifications exchanged at Peking, October 20, 1896.

ARTICLE IX.

The Tariffs and Tariff Rules now in force between China and the Western Powers shall be applicable to all articles upon importation into China by Japanese subjects or from Japan, or upon exportation from China by Japanese subjects or to Japan. It is clearly understood that

¹ See part one of an article by Dr. Hamilton Wright, this JOURNAL, 3:648 (July, 1909); and the second part in this issue, p. 828.

all articles the importation or exportation of which is not expressly limited or prohibited by the Tariffs and Tariff Rules existing between China and the Western Powers may be freely imported into and exported from China, subject only to the payment of the stipulated import or export duties. But in no case shall Japanese subjects be called upon to pay in China other or higher import or export duties than are or may be paid by the subjects or citizens of the most favored nation; nor shall any article imported into China from Japan, or exported from China to Japan, be charged upon such importation or exportation other or higher duties than are now or may hereafter be imposed in China on the like article when imported from or exported to the nation most favored in those respects.

ARTICLE XI.

It shall be at the option of any Japanese subject desiring to convey duly imported articles to an inland market to clear his goods of all transit duties by payment of a commutation transit tax or duty equal to one-half of the import duty in respect of dutiable articles, and two and a half per cent upon the value in respect of duty-free articles; and on payment thereof a certificate shall be issued which shall exempt the goods from all further inland charges whatsoever. It is understood that this Article does not apply to imported opium.

———. *Supplementary treaty of commerce and navigation.* Signed at Shanghai, October 8, 1903.

ARTICLE I.

Whereas China, with the object of reforming its fiscal system, proposes to levy a surtax in excess of the Tariff rates on all goods passing through the Custom Houses, whether maritime or inland and frontier, in order to compensate in a measure for the loss incurred by the complete abolition of likin, Japan consents to pay the same surtax as is agreed upon between China and all the Treaty Powers. With regard to the production tax, consumption tax, and excise, and the taxes on native opium and salt, leviable by China, Japan also consents to accept the same arrangements as are agreed upon between all the Treaty Powers and China. It is understood, however, that the commerce, rights, and privileges of Japan shall not, on account of the above, be placed at any disadvantage as compared with the commerce, rights and privileges of other Powers.

KOREA—CHINA. *Treaty of Seoul*. Signed at Seoul, September 11, 1899; ratifications exchanged at Seoul, December 14, 1899.

ARTICLE IX.

Section 2. The import of opium into Korea is prohibited, and if other foreign or Chinese grown opium is imported by Chinese subjects, it shall be confiscated and the offending party fined twice its original value.

INTERNATIONAL RADIOTELEGRAPHIC CONVENTION.¹

Signed at Berlin, November 3, 1906.

<p><i>Convention Radiotélégraphique Internationale conclue entre la Grande-Bretagne, l'Allemagne, les États-Unis d'Amérique, l'Argentine, l'Autriche, la Hongrie, la Belgique, le Brésil, la Bulgarie, le Chili, le Danemark, l'Espagne, la France, la Grèce, l'Italie, le Japon, le Mexique, Monaco, la Norvège, les Pays-Bas, la Perse, le Portugal, la Roumanie, la Russie, la Suède, la Turquie, et l'Uruguay.</i></p>	<p><i>International Radiotelegraphic Convention concluded between Great Britain, Germany, the United States of America, the Argentine Republic, Austria, Hungary, Belgium, Brazil, Bulgaria, Chili, Denmark, Spain, France, Greece, Italy, Japan, Mexico, Monaco, Norway, the Netherlands, Persia, Portugal, Roumania, Russia, Sweden, Turkey, and Uruguay.</i></p>
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Les soussignés, plénipotentiaires des gouvernements des pays ci-dessus énumérés, s'étant réunis en conférence à Berlin, ont, d'un commun accord et sous réserve de ratification, arrêté la convention suivante :

The undersigned, plenipotentiaries of the governments of the countries enumerated above, being assembled in conference at Berlin, have, by common consent and subject to ratification, agreed to the following convention :

ARTICLE 1^{er}.

Les hautes parties contractantes s'engagent à appliquer les disposi-

ARTICLE 1.

The high contracting parties undertake to apply the provisions

¹ Text from British Treaty Series, [1909], No. 8.

tions de la présente convention dans toutes les stations radiotélégraphiques — stations côtières et stations de bord — ouvertes au service de la correspondance publique entre la terre et les navires en mer qui sont établies ou exploitées par les parties contractantes.

Elles s'engagent, en outre, à imposer l'observation de ces dispositions aux exploitations privées autorisées, soit à établir ou à exploiter des stations côtières radiotélégraphiques ouvertes au service de la correspondance publique entre la terre et les navires en mer, soit à établir ou à exploiter des stations radiotélégraphiques ouvertes ou non au service de la correspondance publique à bord des navires qui portent leur pavillon.

ARTICLE 2.

Est appelée station côtière toute station radiotélégraphique établie sur terre ferme ou à bord d'un navire ancré à demeure et utilisée pour l'échange de la correspondance avec les navires en mer.

Toute station radiotélégraphique établie sur un navire autre qu'un bateau fixe est appelée station de bord.

ARTICLE 3.

Les stations côtières et les stations de bord sont tenues d'échanger réciproquement les radiotélégrammes sans distinction du sys-

of the present convention at all radiotelegraph stations — coast stations and ship stations — open for the service of public correspondence between the land and ships at sea which are established or worked by the contracting parties.

They undertake, moreover, to impose the observance of these provisions upon private enterprises authorized either to establish or work radiotelegraph coast stations open for the service of public correspondence between the land and ships at sea, or to establish or work radiotelegraph stations, whether open for public correspondence or not, on board ships which carry their flag.

ARTICLE 2.

The term "coast station" means any radiotelegraph station which is established on land or on board a ship permanently moored, and which is used for the exchange of correspondence with ships at sea.

The term "ship station" means any radiotelegraph station established on board a ship which is not permanently moored.

ARTICLE 3.

Coast stations and ship stations are bound to exchange radiotelegrams reciprocally without regard to the particular system of radio-

tème radiotélégraphique adopté par ces stations.

telegraphy adopted by these stations.

ARTICLE 4.

Nonobstant les dispositions de l'article 3, une station peut être affectée à un service de correspondance publique restreinte déterminé par le but de la correspondance ou par d'autres circonstances indépendantes du système employé.

ARTICLE 4.

Notwithstanding the provisions of article 3 a station may be appropriated to a service of public correspondence of a restricted character, determined by the object of the correspondence, or by other circumstances independent of the system employed.

ARTICLE 5.

Chacune des hautes parties contractantes s'engage à faire relier les stations côtières au réseau télégraphique par des fils spéciaux ou, tout au moins, à prendre d'autres mesures assurant un échange rapide entre les stations côtières et le réseau télégraphique.

ARTICLE 5.

Each of the high contracting parties undertakes to cause its coast stations to be connected with the telegraph system by means of special wires, or at least to take such other measures as will ensure an expeditious exchange of traffic between the coast stations and the telegraph system.

ARTICLE 6.

Les hautes parties contractantes se donnent mutuellement connaissance des noms des stations côtières et des stations de bord visées à l'article 1^{er}, ainsi que de toutes les indications propres à faciliter et à accélérer les échanges radiotélégraphiques qui seront spécifiées dans le Règlement.

ARTICLE 6.

The high contracting parties shall acquaint one another mutually with the names of the coast stations and ship stations indicated in article 1, as well as with all such particulars, proper for facilitating and accelerating the exchange of radiotelegrams, as shall be specified in the regulations.

ARTICLE 7.

Chacune des hautes parties contractantes se réserve la faculté de

ARTICLE 7.

Each of the high contracting parties reserves the right of pre-

prescrire ou d'admettre que dans les stations visées à l'article 1^{er}, indépendamment de l'installation dont les indications sont publiées conformément à l'article 6, d'autres dispositifs soient établis et exploités en vue d'une transmission radiotélégraphique spéciale sans que les détails de ces dispositifs soient publiés.

ARTICLE 8.

L'exploitation des stations radiotélégraphiques est organisée, autant que possible, de manière à ne pas troubler le service d'autres stations de l'espèce.

ARTICLE 9.

Les stations radiotélégraphiques sont obligées d'accepter par priorité absolue les appels de détresse provenant des navires, de répondre de même à ces appels et d'y donner la suite qu'ils comportent.

ARTICLE 10.

La taxe totale des radiotélégrammes comprend : —

1. La taxe afférente au parcours maritime, savoir :

(a) La "taxe côtière," qui appartient à la station côtière;

(b) La "taxe de bord," qui appartient à la station de bord.

2. La taxe pour la transmission sur les lignes du réseau télégra-

scribing or permitting the establishment and working, at the stations indicated in article 1 — independently of the installation of which particulars are published in accordance with article 6 — of other arrangements designed for radiotelegraphic transmission of a special character, without publishing the particulars of these arrangements.

ARTICLE 8.

The working of radiotelegraph stations shall be organized, as far as possible, in such a manner as not to interfere with the working of other stations of the kind.

ARTICLE 9.

Radiotelegraph stations are bound to accept with absolute priority calls of distress from ships, to answer such calls with similar priority, and to take the necessary steps with regard to them.

ARTICLE 10.

The total charge for radiotelegrams comprises : —

1. The charge proper to the transmission over sea, viz. :

(a) The "coast charge" which belongs to the coast station;

(b) The "ship charge" which belongs to the ship station.

2. The charge for transmission over the lines of the telegraph

phique calculée d'après les règles générales.

Le taux de la taxe côtière est soumis à l'approbation du gouvernement dont relève la station côtière; celui de la taxe de bord, à l'approbation du gouvernement dont le navire porte le pavillon.

Chacune de ces deux taxes doit être fixée suivant le tarif par mot pur et simple, avec minimum facultatif de taxe par radiotélégramme, sur la base de la rémunération équitable du travail radiotélégraphique. Chacune d'elles ne peut dépasser un maximum à fixer par les hautes parties contractantes.

Toutefois, chacune des hautes parties contractantes a la faculté d'autoriser des taxes supérieures à ce maximum dans le cas de stations d'une portée dépassant 800 kilom., ou de stations exceptionnellement onéreuses en raison des conditions matérielles de leur installation et de leur exploitation.

Pour les radiotélégrammes originaires ou à destination d'un pays et échangés directement avec les stations côtières de ce pays, les hautes parties contractantes se donnent mutuellement connaissance des taxes applicables à la transmission sur les lignes de leurs réseaux télégraphiques. Ces taxes sont celles qui résultent du principe que la station côtière doit être con-

system, calculated according to the general rules.

The rate of the coast charge is subject to the approval of the government to whose authority the coast station is subject, and the rate of the ship charge to the approval of the government whose flag the ship flies.

Each of these two charges shall be fixed according to a tariff per word pure and simple, with the option of fixing a minimum charge per telegram, on the basis of an equitable remuneration for the radiotelegraphic work. Each of these charges must not exceed a maximum to be fixed by the high contracting parties.

Nevertheless, each of the high contracting parties has the right to authorize charges exceeding this maximum in the case of stations of a range exceeding 800 kilometres, or of stations which are exceptionally costly by reason of the material conditions of their installation and working.

As regards radiotelegrams originating in or destined for a country with whose coast stations they are directly exchanged, the high contracting parties shall acquaint one another mutually with the charges applicable to transmission over the lines of their telegraph systems. The charges shall be those which follow from the principle that the coast station is to be regarded as

sidérée comme station d'origine ou de destination.

the station of origin or of destination.

ARTICLE 11.

Les dispositions de la présente convention sont complétées par un règlement qui a la même valeur et entre en vigueur en même temps que la convention.

Les prescriptions de la présente convention et du règlement y relatif peuvent être à toute époque modifiées d'un commun accord par les hautes parties contractantes. Des conférences de plénipotentiaires ou de simples conférences administratives, selon qu'il s'agira de la convention ou du règlement, auront lieu périodiquement; chaque conférence fixera elle-même le lieu et l'époque de la réunion suivante.

ARTICLE 12.

Ces conférences sont composées de délégués des gouvernements des pays contractants.

Dans les délibérations, chaque pays dispose d'une seule voix.

Si un gouvernement adhère à la convention pour ses colonies, possessions, ou protectorats, les conférences ultérieures peuvent décider que l'ensemble ou une partie de ces colonies, possessions, ou protectorats est considéré comme formant un pays pour l'application de l'alinéa précédent. Toutefois, le nombre des voix dont dispose un

ARTICLE 11.

The provisions of the present convention are completed by regulations which have the same validity and come into force at the same time as the convention.

The provisions of the present convention and of the regulations relative thereto may be modified at any time by the high contracting parties by common consent. Conferences of plenipotentiaries or simple administrative conferences, according as the convention or the regulations are in question, shall take place periodically; each Conference will itself fix the place and date of the following conference.

ARTICLE 12.

These conferences shall be composed of delegates of the governments of the contracting countries.

In the deliberations, each country shall have one vote only.

If a government adheres to the convention for its colonies, possessions or protectorates, subsequent conferences may determine that the whole or a part of these colonies, possessions or protectorates is to be regarded as forming a country for the purposes of the foregoing paragraph. But the number of votes which one government, including

gouvernement, y compris ses colonies, possessions, ou protectorats, ne peut dépasser six.

its colonies, possessions or protectorates, may exercise can not exceed six.

ARTICLE 13.

Un bureau international est chargé de réunir, de coordonner et de publier les renseignements de toute nature relatifs à la radiotélégraphie, d'instruire les demandes de modification à la convention et au règlement, de faire promulguer les changements adoptés et, en général, de procéder à tous travaux administratifs dont il serait saisi dans l'intérêt de la radiotélégraphie internationale.

Les frais de cette institution sont supportés par tous les pays contractants.

ARTICLE 13.

An international bureau shall be entrusted with the duty of collecting, arranging, and publishing information of every kind relative to radiotelegraphy; of circulating in proper form proposals for the modification of the convention and regulations; of notifying the alterations adopted, and, generally, of carrying out any work bearing on matters of administration which may be assigned to it in the interests of international radiotelegraphy.

The expenses of this institution shall be borne by all the contracting countries.

ARTICLE 14.

Chacune des hautes parties contractantes se réserve la faculté de fixer les conditions dans lesquelles elle admet les radiotélégrammes en provenance ou à destination d'une station, soit de bord, soit côtière, qui n'est pas soumise aux dispositions de la présente convention.

Si un radiotélégramme est admis, les taxes ordinaires doivent lui être appliquées.

Il est donné cours à tout radiotélégramme provenant d'une station de bord et reçu par une station côtière d'un pays contractant ou

ARTICLE 14.

Each of the high contracting parties reserves the right of prescribing the conditions on which it admits radiotelegrams from or to a station — whether ship or coast — which is not subject to the provisions of the present convention.

If a radiotelegram is admitted, the ordinary charges must be applied to it.

Every radiotelegram originating at a ship station and received by a coast station of a contracting country, or accepted in transit by

accepté en transit par l'administration d'un pays contractant.

Il est également donné cours à tout radiotélégramme à destination d'un navire, si l'administration d'un pays contractant en a accepté le dépôt ou si l'administration d'un pays contractant l'a accepté en transit d'un pays non-contractant, sous réserve du droit de la station côtière de refuser la transmission à une station de bord relevant d'un pays non-contractant.

ARTICLE 15.

Les dispositions des articles 8 et 9 de cette convention sont également applicables aux installations radiotélégraphiques autres que celles visées à l'article 1^{er}.

ARTICLE 16.

Les gouvernements qui n'ont point pris part à la présente convention sont admis à y adhérer sur leur demande.

Cette adhésion est notifiée par la voie diplomatique à celui des gouvernements contractants au sein duquel la dernière conférence a été tenue et par celui-ci à tous les autres.

Elle emporte de plein droit accession à toutes les clauses de la présente convention et admission à tous les avantages y stipulés.

the administration of a contracting country, must be sent forward.

Every radiotelegram intended for a ship must also be sent forward if the administration of a contracting country has accepted it from the sender, or if the administration of a contracting country has accepted it in transit from a non-contracting country, subject to the right of the coast station to refuse to transmit it to a ship station belonging to a non-contracting country.

ARTICLE 15.

The provisions of articles 8 and 9 of this convention are also applicable to radiotelegraph installations other than those indicated in article 1.

ARTICLE 16.

Governments which have not taken part in the present convention shall be allowed to adhere thereto on their request.

This adhesion shall be notified through the diplomatic channel to the contracting government under whose auspices the last conference has been held, and by it to all the others.

Adhesion involves as a matter of right acceptance of all the clauses of the present convention and admission to all the advantages stipulated therein.

ARTICLE 17.

Les dispositions des articles 1^{er}, 2, 3, 5, 6, 7, 8, 11, 12, et 17 de la convention télégraphique internationale de Saint-Petersbourg du 10 (22) Juillet, 1875, sont applicables à la radiotélégraphie internationale.

ARTICLE 17.

The provisions of articles 1, 2, 3, 5, 6, 7, 8, 11, 12, and 17 of the International Telegraph Convention of St. Petersburg of the 10/22 July 1875 are applicable to international radiotelegraphy.

ARTICLE 18.

En cas de dissentiment entre deux ou plusieurs gouvernements contractants relativement à l'interprétation ou à l'exécution, soit de la présente convention, soit du règlement prévu par l'article 11, la question en litige peut, d'un commun accord, être soumise à un jugement arbitral. Dans ce cas, chacun des gouvernements en cause en choisit un autre non intéressé dans la question.

La décision des arbitres est prise à la majorité absolue des voix.

En cas de partage des voix, les arbitres choisissent, pour trancher le différend, un autre gouvernement contractant également désintéressé dans le litige. A défaut d'une entente concernant ce choix, chaque arbitre propose un gouvernement contractant désintéressé; il est tiré au sort entre les gouvernements proposés. Le tirage au sort appartient au gouvernement sur le territoire duquel fonctionne le

ARTICLE 18.

In case of difference between two or more of the contracting governments concerning the interpretation or execution of the present convention or of the regulations provided for in article 11, the question at issue may, by common consent, be submitted to arbitration. In that event, each of the governments concerned shall choose another not interested in the question.

The decision of the arbitrators shall be determined by an absolute majority of votes.

In the event of an equality of votes, the arbitrators shall choose, in order to settle the difference, another contracting government, also without interest in the question. In default of agreement as to this choice, each arbitrator shall propose another disinterested contracting government; and lots shall be drawn between the governments proposed. The drawing of the lots appertains to the government on

bureau international prévu à l'article 13. whose territory the international bureau provided for in article 13 carries on its work.

ARTICLE 19.

Les hautes parties contractantes s'engagent à prendre ou à proposer à leurs législatures respectives les mesures nécessaires pour assurer l'exécution de la présente convention.

ARTICLE 19.

The high contracting parties undertake to carry out or to propose to their respective legislatures the measures necessary to ensure the execution of the present convention.

ARTICLE 20.

Les hautes parties contractantes se communiqueront les lois qui auraient déjà été rendues ou qui viendraient à l'être dans leurs pays relativement à l'objet de la présente convention.

ARTICLE 20.

The high contracting parties shall communicate to one another the laws which may have already been adopted or which may hereafter come into force in their countries relative to the subject matter of the present convention.

ARTICLE 21.

Les hautes parties contractantes conservent leur entière liberté relativement aux installations radiotélégraphiques non prévues à l'article 1^{er} et, notamment, aux installations navales et militaires, lesquelles restent soumises uniquement aux obligations prévues aux articles 8 et 9 de la présente convention.

ARTICLE 21.

The high contracting parties retain their full liberty concerning radiotelegraph installations not covered by article 1, and, in particular, concerning naval and military installations, which are subject only to the obligations of articles 8 and 9 of the present convention.

Toutefois, lorsque ces installations font de la correspondance publique, elles se conforment, pour l'exécution de ce service, aux prescriptions du règlement en ce qui concerne le mode de transmission et la comptabilité.

Nevertheless, when these installations carry on public correspondence, they shall conform, for the performance of this service, to the stipulations of the regulations so far as concerns the manner of transmission and the accounting.

ARTICLE 22.

La présente convention sera mise à exécution à partir du 1^{er} Juillet, 1908, et demeurera en vigueur pendant un temps indéterminé et jusqu'à l'expiration d'une année à partir du jour où la dénonciation en sera faite.

La dénonciation ne produit son effet qu'à l'égard du gouvernement au nom duquel elle a été faite. Pour les autres parties contractantes, la convention reste en vigueur.

ARTICLE 23.

La présente convention sera ratifiée et les ratifications en seront déposées à Berlin dans le plus bref délai possible.

En foi de quoi les plénipotentiaires respectifs ont signé la convention en un exemplaire, qui restera déposé aux archives du gouvernement impérial d'Allemagne et dont une copie sera remise à chaque partie.

Fait à Berlin, le 3 Novembre, 1906.

Pour la Grande-Bretagne:

H. BABINGTON SMITH.

A. E. BETHELL.

R. L. HIPPISELEY.

Pour l'Allemagne:

KRAETKE.

SYDOW.

ARTICLE 22.

The present convention shall come into operation on and from the 1st July 1908, and shall remain in force for an indefinite period, or until the expiration of a year from the date of its denunciation.

Denunciation only takes effect as regards the government in whose name it is made. The convention shall remain in force as regards the other contracting parties.

ARTICLE 23.

The present convention shall be ratified and the ratifications shall be deposited at Berlin with as little delay as possible.

In witness whereof the respective plenipotentiaries have signed the convention in a single copy, which will remain deposited in the archives of the imperial German government, and of which a copy will be sent to each party.

Done at Berlin, the 3rd November 1906.

For Great Britain:

H. BABINGTON SMITH.

A. E. BETHELL.

R. L. HIPPISELEY.

For Germany:

KRAETKE.

SYDOW.

<i>Pour les États-Unis d'Amérique:</i>	<i>For the United States of America:</i>
CHARLEMAGNE TOWER.	CHARLEMAGNE TOWER.
H. N. MANNEY.	H. N. MANNEY.
JAMES ALLEN.	JAMES ALLEN.
JOHN I. WATERBURY.	JOHN I. WATERBURY.
<i>Pour l'Argentine:</i>	<i>For the Argentine Republic:</i>
J. OLMÍ.	J. OLMÍ.
<i>Pour l'Autriche:</i>	<i>For Austria:</i>
BARTH.	BARTH.
FRIES.	FRIES.
<i>Pour la Hongrie:</i>	<i>For Hungary:</i>
PIERRE DE SZALAY.	PIERRE DE SZALAY.
DR. DE HENNYEY.	DR. DE HENNYEY.
HOLLÓS.	HOLLÓS.
<i>Pour la Belgique:</i>	<i>For Belgium:</i>
F. DELARGE.	F. DELARGE.
E. BUELS.	E. BUELS.
<i>Pour le Brésil:</i>	<i>For Brazil:</i>
CESAR DE CAMPOS.	CESAR DE CAMPOS.
<i>Pour la Bulgarie:</i>	<i>For Bulgaria:</i>
IV. STOYANOVITCH.	IV. STOYANOVITCH.
<i>Pour le Chili:</i>	<i>For Chili:</i>
J. MUÑOZ HURTADO.	J. MUÑOZ HURTADO.
J. MERY.	J. MERY.
<i>Pour le Danemark:</i>	<i>For Denmark:</i>
N. R. MEYER.	N. R. MEYER.
I. A. VOEHTZ.	I. A. VOEHTZ.
<i>Pour l'Espagne:</i>	<i>For Spain:</i>
IGNACIO MURCIA.	IGNACIO MURCIA.
RAMÓN ESTRADA.	RAMÓN ESTRADA.
RAFAEL RÁVENA.	RAFAEL RÁVENA.
ISIDRO CALVO.	ISIDRO CALVO.
MANUEL NORÍEGA.	MANUEL NORÍEGA.
ANTONIO PELÁEZ-CAMPOMANES.	ANTONIO PELÁEZ-CAMPOMANES.

Pour la France:

J. BORDELONGUE.
L. GASCHARD.
BOULANGER.
A. DEVOS.

Pour la Grèce:

T. ARGYROPOULOS.

Pour l'Italie:

J. COLOMBO.

Pour le Japon:

OSUKE ASANO.
ROKURE YASHIRO.
SHUNKICHI KIMURA.
ZIRO TANAKA.
SABURO HYAKUTAKE.

Pour le Mexique:

JOSÉ M. PÉREZ.

Pour Monaco:

J. DEPELLEY.

Pour la Norvège:

HEFTYE.
O. T. EIDEM.

Pour les Pays-Bas:

KRUYT.
PERK.
HOVEN.

Pour la Perse:

HOVHANNÈS KHAN.

Pour le Portugal:

PAULO BENJAMIN CABRAL.

Pour la Roumanie:

GR. CERKEZ.

For France:

J. BORDELONGUE.
L. GASCHARD.
BOULANGER.
A. DEVOS.

For Greece:

T. ARGYROPOULOS.

For Italy:

J. COLOMBO.

For Japan:

OSUKE ASANO.
ROKURE YASHIRO.
SHUNKICHI KIMURA.
ZIRO TANAKA.
SABURO HYAKUTAKE.

For Mexico:

JOSÉ M. PÉREZ.

For Monaco:

J. DEPELLEY.

For Norway:

HEFTYE.
O. T. EIDEM.

For the Netherlands:

KRUYT.
PERK.
HOVEN.

For Persia:

HOVHANNÈS KHAN.

For Portugal:

PAULO BENJAMIN CABRAL.

For Roumania:

GR. CERKEZ.

Pour la Russie:

A. EICHHOLZ.
A. EULER.
VICTOR BILIBINE.
A. REMMERT.
W. KÉDRINE.

Pour la Suède:

HERMAN RYDIN.
A. HAMILTON.

Pour la Turquie:

NAZIF BEY.

Pour l'Uruguay:

F. A. COSTANZO.

For Russia:

A. EICHHOLZ.
A. EULER.
VICTOR BILIBINE.
A. REMMERT.
W. KÉDRINE.

For Sweden:

HERMAN RYDIN.
A. HAMILTON.

For Turkey:

NAZIF BEY.

For Uruguay:

F. A. COSTANZO.

Protocole Final.

Au moment de procéder à la signature de la convention arrêtée par la conférence radiotélégraphique internationale de Berlin, les plénipotentiaires soussignés sont convenus de ce qui suit:

I.

Les hautes parties contractantes conviennent qu'à la conférence prochaine le nombre des voix dont chaque pays dispose (article 12 de la convention) sera décidé au début des délibérations de manière que les colonies, possessions, ou protectorats admis à bénéficier de voix puissent exercer leur droit de vote au cours de tous les travaux de cette conférence.

Final Protocol.

At the moment of proceeding to the signature of the convention adopted by the International Radiotelegraphic Conference of Berlin, the undersigned plenipotentiaries have agreed as follows:

I.

The high contracting parties agree that at the next conference the number of votes which each country shall have (article 12 of the convention) shall be determined at the outset of the deliberations, so that the colonies, possessions, or protectorates admitted to the enjoyment of votes may be able to exercise their right of voting throughout all the proceedings of that conference.

La décision prise aura un effet immédiat et restera en vigueur jusqu'à sa modification par une conférence ultérieure.

En ce qui concerne la prochaine conférence, les demandes tendant à l'admission de nouvelles voix en faveur de colonies, possessions, ou protectorats qui auraient adhéré à la convention seront adressées au bureau international six mois au moins avant la date de la réunion de cette conférence. Ces demandes seront immédiatement notifiées aux autres gouvernements contractants, qui pourront, dans un délai de deux mois, à partir de la remise de la notification, formuler des demandes semblables.

II.

Chaque gouvernement contractant peut se réserver la faculté de désigner, suivant les circonstances, certaines stations côtières qui seront exemptées de l'obligation, imposée par l'article 3 de la convention sous la condition que, dès l'application de cette mesure, il soit ouvert sur son territoire une ou plusieurs stations soumises aux obligations de l'article 3, et assurant le service radiotélégraphique dans la région desservie par les stations exemptées d'une manière satisfaisant aux besoins de la correspondance publique. Les gouvernements qui désirent se réserver cette faculté doivent en donner

The decision arrived at shall have immediate effect, and shall remain in force until it is varied by a later conference.

So far as the next conference is concerned, proposals for the admission of new votes in favor of colonies, possessions, or protectorates which may have adhered to the convention shall be addressed to the international bureau six months at least before the date of meeting of that conference. These proposals shall immediately be notified to the other contracting governments, which may, within a period of two months from the receipt of the notification, put forward similar proposals.

II.

Each contracting government may reserve the power of designating, according to circumstances, certain coast stations which shall be exempt from the obligation imposed by article 3 of the convention, on condition that, on and from the application of this provision, there shall be open on its territory one or more stations subject to the obligations of article 3 and providing for the radiotelegraphic service in the region served by the exempted stations in such a manner as to satisfy the requirements of public correspondence. The governments which wish to reserve this power must notify their

notification dans la forme prévue au deuxième alinéa de l'article 16 de la convention, au plus tard trois mois avant la mise en vigueur de la convention ou, dans le cas d'adhésions ultérieures, au moment de l'adhésion.

Les pays dont les noms suivent déclarent, dès à présent, qu'ils ne se réserveront pas cette faculté :

Allemagne,
États-Unis d'Amérique,
Argentine,
Autriche,
Hongrie,
Belgique,
Brésil,
Bulgarie,
Chili,
Grèce,
Mexique,
Monaco,
Norvège,
Pays-Bas,
Roumanie,
Russie,
Suède,
Uruguay.

III.

Le mode d'exécution des dispositions de l'article précédent dépend du gouvernement qui se sert de la faculté d'exemption ; ce gouvernement a pleine liberté de décider de temps en temps, suivant son propre jugement, combien de stations et quelles stations seront exemptées. Ce gouvernement a la

desire in the form prescribed in the second paragraph of article 16 of the convention, not later than three months before the convention comes into operation, or, in the case of later adhesions, at the moment of adhesion.

The countries whose names appear below declare, at once, that they will not reserve this power :

Germany.
United States of America.
Argentine Republic.
Austria.
Hungary.
Belgium.
Brazil.
Bulgaria.
Chili.
Greece.
Mexico.
Monaco.
Norway.
Netherlands.
Roumania.
Russia.
Sweden.
Uruguay.

III.

The manner of carrying out the provisions of the preceding article is left to the government which avails itself of the right of exemption ; this government has full liberty to decide, from time to time, according to its own judgment, how many and what stations shall be exempted This govern-

même force et la même valeur que si ses dispositions étaient insérées dans le texte même de la convention à laquelle il se rapporte, et ils l'ont signé en un exemplaire, qui restera déposé aux archives du gouvernement impérial d'Allemagne et dont une copie sera remise à chaque partie.

tocol, which shall have the same force and the same validity as if its provisions were inserted in the actual text of the convention to which it relates, and they have signed it in a single copy, which will remain deposited in the archives of the imperial German government, and of which a copy will be sent to each party.

Fait à Berlin, le 3 Novembre, 1906.

Done at Berlin, the 3rd November, 1906.

[Here follow the same signatures as appended to the convention itself.]

ORGANISATION DES STATIONS RADIOTÉLÉGRAPHIQUES.

I.

Le choix des appareils et des dispositifs radiotélégraphiques à employer par les stations côtières et les stations de bord est libre. L'installation de ces stations doit répondre, autant que possible, aux progrès scientifiques et techniques.

II.

Deux longueurs d'onde, l'une de 300 et l'autre de 600 mètres, sont admises pour le service de la correspondance publique générale. Toute station côtière ouverte à ce service utilise l'une ou l'autre de ces deux longueurs d'onde. Pendant toute la durée de son ouverture au service, chaque station doit être en état de recevoir les appels

ORGANISATION OF RADIOTELE- GRAPH STATIONS.

I.

The choice of the radiotelegraphic apparatus and arrangements to be used by coast stations and ship stations is unrestricted. The installation of these stations must keep pace as far as possible with scientific and technical progress.

II.

Two wave-lengths, one of 300 and the other of 600 metres, are allowed for general public correspondence. Every coast station open for this service employs one or other of these two wave-lengths. During the whole period for which it is open for service, every station must be in a position to receive calls made by means of its own

faits au moyen de sa longueur d'onde, et il n'y peut être fait usage d'aucune autre longueur d'onde pour le service de la correspondance publique générale. Toutefois, chaque gouvernement peut autoriser l'emploi dans une station côtière d'autres longueurs d'onde destinées à assurer un service de longue portée ou un service autre que celui de la correspondance publique générale et établi conformément aux dispositions de la convention, à condition que ces longueurs d'onde ne dépassent pas 600 mètres ou qu'elles soient supérieures à 1,600 mètres.

III.

1. La longueur d'onde normale pour les stations de bord est de 300 mètres. Toute station de bord doit être installée de manière à pouvoir se servir de cette longueur d'onde. D'autres longueurs d'onde peuvent être employées par ces stations à condition de ne pas dépasser 600 mètres.

2. Les navires de faible tonnage qui seraient dans l'impossibilité matérielle de réaliser le dispositif assurant la longueur d'onde de 300 mètres peuvent être autorisés à employer une longueur d'onde inférieure.

IV.

1. Il est procédé, par les soins du bureau international, à l'étab-

wave-length, and it must not make use of any other wave-length for the service of general public correspondence. Nevertheless, each government may authorize the use at any coast station of other wave-lengths for the purpose of providing a long-distance service, or a service other than that of general public correspondence, established in accordance with the provisions of the convention, on condition that these wave-lengths do not exceed 600 metres or do exceed 1,600 metres.

III.

1. The normal wave-length for ship stations is 300 metres. Every ship station must be installed in such a way as to be capable of using this wave-length. Other wave-lengths may be used by the stations on condition that they do not exceed 600 metres.

2. Ships of small tonnage, which it would be materially impossible to equip with plant producing a wave-length of 300 metres, may be authorised to use a shorter wave-length.

IV.

1. By the agency of the international bureau, a list shall be pre-

lisement d'une nomenclature des stations radiotélégraphiques visées à l'article 1^{er} de la convention. Cette nomenclature donne pour chaque station les renseignements suivants:

(1.) Nom, nationalité, et position géographique pour les stations côtières; nom, nationalité, signal distinctif du Code International et indication du port d'attache du navire, pour les stations de bord;

(2.) Indicatif d'appel (les indicatifs doivent être différenciés les uns des autres et chacun doit être formé d'un groupe de trois lettres);

(3.) Portée normale;

(4.) Système radiotélégraphique;

(5.) Catégorie des appareils récepteurs (appareils écrivants, à réception auditive ou autres);

(6.) Longueurs d'onde utilisées par la station (la longueur d'onde normale est soulignée);

(7.) Nature du service effectué par la station:

Correspondance publique générale;

Correspondence publique restreinte (correspondance avec les navires; correspondance avec les lignes de navigation de; correspondance avec les navires munis d'appareils du système &c.);

pared of the radiotelegraph stations indicated in article 1 of the convention. This list shall give the following particulars regarding each station:

(1.) Name, nationality, and geographical position in the case of coast stations; name, nationality, distinguishing signal under the International Code and indication of the ship's port of registry, in the case of ship stations;

(2.) Call-signal (the call-signals must be distinguished from one another and must each be composed of a group of three letters);

(3.) Normal range;

(4.) System of radiotelegraphy;

(5.) Nature of receiving apparatus (recording, sound-reading, or other apparatus);

(6.) Wave-lengths used by the station (the normal wave-length is underlined);

(7.) Nature of the service performed by the station:

General public correspondence;

Restricted public correspondence (correspondence with the ships; correspondence with the shipping lines; correspondence with ships equipped with apparatus of the system; &c.);

Correspondance publique de longue portée;

Correspondance d'intérêt privé;

Correspondance spéciale (correspondance exclusivement officielle); &c.;

(8.) Heures d'ouverture;

(9.) Taxe côtière ou de bord.

2. Sont compris, en outre, dans la nomenclature les renseignements relatifs aux stations radiotélégraphiques autres que celles visées à l'article 1^{er} de la convention qui sont communiqués au bureau international par l'administration dont dépendent ces stations.

V.

L'échange de signaux et de mots superflus est interdit aux stations visées à l'article 1^{er} de la convention. Des essais et des exercices ne sont tolérés dans ces stations qu'autant qu'ils ne troublent point le service d'autres stations.

VI.

1. Aucune station de bord ne peut être établie ou exploitée par une entreprise privée sans autorisation du gouvernement dont dépend le navire. Cette autorisation fait l'objet d'une licence délivrée par ce gouvernement.

2. Toute station de bord autorisée doit satisfaire aux conditions suivantes:

Long-distance public correspondence;

Private correspondence of the owners of the station;

Special correspondence (correspondence of an exclusively official nature); &c.;

(8.) Hours of service;

(9.) Coast or ship charge.

2. The list shall also comprise such particulars with regard to radiotelegraph stations other than those indicated in article 1 of the convention as are communicated to the international bureau by the administration to whose authority these stations are subject.

V.

The stations indicated in article 1 of the convention are prohibited from exchanging superfluous signals and words. Trials and practice are only permitted at these stations in so far as they do not interfere with the service of other stations.

VI.

1. No ship station may be established or worked by any private enterprise without the authorisation of the government to whose authority the ship is subject. This authorisation is given by a licence issued by that government.

2. Every ship station which is authorised must satisfy the following conditions:

(a.) Le système employé doit être un système syntonisé;

(b.) La vitesse de transmission et de réception, dans les circonstances normales, ne doit pas être inférieure à 12 mots par minute, le mot étant compté à raison de 5 lettres;

(c.) La puissance transmise à l'appareil radiotélégraphique ne doit pas, dans les circonstances normales, dépasser un kilowatt. Une puissance supérieure à un kilowatt peut être employée si le navire se trouve dans la nécessité de correspondre à une distance de plus de 300 kilomètres de la station côtière la plus rapprochée, ou si, par suite d'obstacles, la communication ne peut être réalisée qu'au moyen d'une augmentation de puissance.

3. Le service de la station de bord doit être assuré par un télégraphiste possesseur d'un certificat délivré par le gouvernement dont dépend le navire. Ce certificat constate la valeur professionnelle du télégraphiste en ce qui concerne —

(a.) Le réglage des appareils;

(b.) La transmission et la réception auditive à une vitesse qui ne doit pas être inférieure à 20 mots par minute;

(c.) La connaissance des règle-

(a.) The system used must be a syntonised system;

(b.) The speed of transmission and reception must, in normal circumstances, not be less than 12 words a minute, five letters being counted as one word;

(c.) The power imparted to the radiotelegraphic apparatus must not, in normal circumstances, exceed one kilowatt. Power in excess of one kilowatt may be used if the ship finds it necessary to exchange messages at a distance of more than 300 kilometres from the nearest coast station, or if, by reason of intervening obstacles, communication can only be effected by an increase of power.

3. The service of the ship station must be carried on by a telegraphist holding a certificate issued by the government to whose authority the ship is subject. This certificate testifies to the technical proficiency of the telegraphist as regards —

(a.) The adjustment of apparatus;

(b.) Transmission and sound-reading at a speed which must not fall short of 20 words a minute;

(c.) Knowledge of the regula-

ments applicables à l'échange des communications radiotélégraphiques.

4. En outre, le certificat constate que le gouvernement a soumis le télégraphiste à l'obligation du secret des correspondances.

VII.

1. Si une administration a connaissance d'une infraction à la convention ou au règlement commise dans une des stations qu'elle a autorisées, elle constate les faits et fixe les responsabilités.

En ce qui concerne les stations de bord, si la responsabilité incombe au télégraphiste, l'administration prend les mesures nécessaires, et le cas échéant, retire le certificat. S'il est constaté que l'infraction résulte de l'état des appareils ou d'instructions données au télégraphiste, il est procédé de même à l'égard de la licence accordée au navire.

2. Dans le cas d'infractions réitérées à la charge du même navire, si les représentations faites à l'administration dont dépend le navire par une autre administration restent sans effet, celle-ci a la faculté, après en avoir donné avis, d'autoriser ses stations côtières à ne pas accepter les communications provenant du navire en cause. En cas de différend entre les deux administrations, la question est

tions applicable to the exchange of radiotelegraphic traffic.

4. In addition, the certificate testifies that the government has bound the telegraphist to the obligation of preserving the secrecy of correspondence.

VII.

1. If an administration has information of a breach of the convention or of the regulations committed at one of the stations which it has authorised, it shall verify the facts and fix the responsibility.

In the case of ship stations, if the responsibility falls on the telegraphist, the administration shall take the necessary steps, and, if need be, withdraw his certificate. If it is proved that the breach was due to the condition of the apparatus, or to instructions given to the telegraphist, similar steps shall be taken with regard to the licence granted to the ship.

2. In the event of repeated breaches by the same ship, if the representations made to the administration to whose authority the ship is subject by another administration remain without effect, the latter is empowered, after giving notice, to authorise its coast stations to refuse communications from the ship in question. In case of difference between the two administrations, the question shall be

soumise à un jugement arbitral à la demande de l'un des gouvernements en cause. La procédure est celle indiquée à l'article 18 de la convention.

submitted to arbitration at the instance of one of the governments in question. The procedure followed shall be that indicated in article 18 of the convention.

DURÉE DE SERVICE DES STATIONS CÔTIÈRES.

DURATION OF SERVICE AT COAST STATIONS.

VIII.

VIII.

1. Le service des stations côtières est, autant que possible, permanent, le jour et la nuit, sans interruption.

1. The service at coast stations is, as far as possible, permanent, day and night, without interruption.

Toutefois certaines stations côtières peuvent avoir un service de durée limitée. Chaque administration fixe les heures de service.

Nevertheless, certain coast stations may provide a service of limited duration. Each administration fixes the hours of service.

2. Les stations côtières dont le service n'est point permanent ne peuvent prendre clôture avant d'avoir transmis tous leurs radiotélégrammes aux navires qui se trouvent dans leur rayon d'action et avant d'avoir reçu de ces navires tous les radiotélégrammes annoncés. Cette disposition est également applicable lorsque des navires signalent leur présence avant la cessation effective du travail.

2. Those coast stations at which the service is not permanent must not close before they have transmitted all their radiotelegrams to such ships as are within their range of transmission, and have received from these ships all the radiotelegrams of which notice has been given. This provision applies also when ships notify their presence before work has actually ceased.

RÉDACTION ET DÉPÔT DES RADIO-TÉLÉGRAMMES.

FORM AND ACCEPTANCE OF RADIOTELEGRAMS.

IX.

IX.

Si le parcours d'un radiotélégramme s'effectue en partie sur des lignes télégraphiques ou par des stations radiotélégraphiques relevant d'un gouvernement non con-

If part of the route followed by a radiotelegram lies over telegraph lines or through radiotelegraph stations belonging to a non-contracting country, the radiotelegram may

tractant, il peut être donné cours à ce radiotélégramme, sous la réserve, tout au moins, que les administrations dont dépendent ces lignes ou ces stations aient déclaré vouloir appliquer, le cas échéant, les dispositions de la convention et du règlement qui sont indispensables pour l'acheminement régulier des radiotélégrammes et que la comptabilité soit assurée.

X.

1. Les radiotélégrammes portent en préambule la mention de service "Radio."

2. Dans la transmission des radiotélégrammes des stations de bord aux stations côtières, il est fait abstraction, dans le préambule, de la date et de l'heure de dépôt.

A la réexpédition sur le réseau télégraphique, la station côtière inscrit, comme indication du bureau d'origine, son nom suivi de celui du navire et elle donne, comme heure de dépôt, l'heure de réception.

XI.

L'adresse des radiotélégrammes destinés aux navires en mer doit être aussi complète que possible. Elle est obligatoirement libellée comme suit:

(a.) Nom du destinataire avec indication complémentaire, s'il y a lieu;

be forwarded on condition that the administrations of the countries to which these lines or stations belong have at the least declared their willingness to apply, when occasion arises, those provisions of the convention and regulations which are essential for the proper disposal of radiotelegrams, and provided also that adequate arrangements are made for accounting.

X.

1. Radiotelegrams bear the service instruction "Radio" in the preamble.

2. In the transmission of radiotelegrams from ship stations to coast stations the date and the time of handing in are omitted from the preamble.

On retransmission over the ordinary telegraph system, the coast station inserts, as the indication of the office of origin, its own name followed by that of the ship, and gives, as the time of handing in, the time of receipt.

XI.

The address of radiotelegrams for ships at sea should be as complete as possible. It must contain the following:

(a.) Name of addressee, with further particulars, if necessary.

soumise à un jugement arbitral à la demande de l'un des gouvernements en cause. La procédure est celle indiquée à l'article 18 de la convention.

submitted to arbitration at the instance of one of the governments in question. The procedure followed shall be that indicated in article 18 of the convention.

DURÉE DU SERVICE DES STATIONS CÔTIÈRES.

VIII.

1. Le service des stations côtières est, autant que possible, permanent, le jour et la nuit, sans interruption.

Toutefois certaines stations côtières peuvent avoir un service de durée limitée. Chaque administration fixe les heures de service.

2. Les stations côtières dont le service n'est point permanent ne peuvent prendre clôture avant d'avoir transmis tous leurs radiotélégrammes aux navires qui se trouvent dans leur rayon d'action et avant d'avoir reçu de ces navires tous les radiotélégrammes annoncés. Cette disposition est également applicable lorsque des navires signalent leur présence avant la cessation effective du travail.

RÉDACTION ET DÉPÔT DES RADIO-TÉLÉGRAMMES.

IX.

Si le parcours d'un radiotélégramme s'effectue en partie sur des lignes télégraphiques ou par des stations radiotélégraphiques relevant d'un gouvernement non con-

DURATION OF SERVICE AT COAST STATIONS.

VIII.

1. The service at coast stations is, as far as possible, permanent, day and night, without interruption.

Nevertheless, certain coast stations may provide a service of limited duration. Each administration fixes the hours of service.

2. Those coast stations at which the service is not permanent must not close before they have transmitted all their radiotelegrams to such ships as are within their range of transmission, and have received from these ships all the radiotelegrams of which notice has been given. This provision applies also when ships notify their presence before work has actually ceased.

FORM AND ACCEPTANCE OF RADIOTELEGRAMS.

IX.

If part of the route followed by a radiotelegram lies over telegraph lines or through radiotelegraph stations belonging to a non-contracting country, the radiotelegram may

(b.) Nom du navire, tel qu'il figure à la nomenclature, complété par la nationalité et, au besoin, par le signal distinctif du Code International, en cas d'homonymie;

(c.) Nom de la station côtière, tel qu'il figure à la nomenclature.

(b.) Name of ship as it appears in the list, supplemented, in the case of ships bearing the same name, by the nationality of the ship, and, if necessary, its distinguishing signal under the International Code.

(c.) Name of coast station as it appears in the list.

TAXATION.

XII.

La taxes côtière ne peut dépasser 60 centimes par mot, celle de bord 40 centimes par mot.

Un minimum de taxe, qui ne peut dépasser la taxe côtière ou de bord d'un radiotélégramme de 10 mots, peut être imposé en ce qui concerne les taxes côtière ou de bord.

XIII.

Le pays sur le territoire duquel est établie une station côtière servant d'intermédiaire pour l'échange de radiotélégrammes entre une station de bord et un autre pays est considéré, en ce qui concerne l'application des taxes télégraphiques, comme pays de provenance ou de destination de ces radiotélégrammes et non comme pays de transit.

PERCEPTION DES TAXES.

XIV.

La taxe totale des radiotélégrammes est perçue sur l'expéditeur.

CHARGES.

XII.

The coast charge must not exceed 60 centimes a word, nor the ship charge 40 centimes a word.

A minimum not exceeding the coast charge or the ship charge for a radiotelegram of 10 words may be fixed either for the coast charge or for the ship charge.

XIII.

A country on whose territory a coast station is established which serves as a medium for the exchange of radiotelegrams between a ship station and another country is considered, for the purpose of applying the telegraph rates, as the country of origin or of destination of those radiotelegrams and not as a country of transit.

COLLECTION OF CHARGES.

XIV.

The whole charge for radiotelegrams is collected from the sender.

Les stations de bord doivent posséder à cet effet les tarifs utiles. Elles ont toutefois la faculté de se renseigner auprès des stations côtières au sujet de la taxation de radiotélégrammes pour lesquels elles ne possèdent pas toutes les données nécessaires.

For this purpose ship stations must have the necessary tariffs. Nevertheless they have the right to obtain information from coast stations with regard to the assessment of the charge for radiotelegrams in respect of which they do not possess all the requisite particulars.

TRANSMISSION DES RADIO- TÉLÉGRAMMES.

I. — *Signaux de transmission.*

XV.

Les signaux employés sont ceux du Code Morse International.

XVI.

Les navires en détresse font usage du signal suivant :

. . . — — — . . .

répété à de courts intervalles.

Dès qu'une station perçoit le signal de détresse, elle doit suspendre toute correspondance et ne la reprendre qu'après avoir acquis la certitude que la communication, motivée par l'appel de secours, est terminée.

Dans le cas où le navire en détresse ajoute à la fin de la série de ses appels de secours l'indicatif d'appel d'une station déterminée, la réponse à l'appel n'appartient qu'à cette dernière station. A défaut de l'indication d'une station déterminée dans l'appel de secours, chaque station qui perçoit cet appel est tenue d'y répondre.

TRANSMISSION OF RADIOTELE- GRAMS.

I. — *Signals.*

XV.

The signals used are those of the International Morse Code.

XVI.

Ships in distress make use of the following signal :

. . . — — — . . .

repeated at short intervals.

As soon as a station perceives the signal of distress it must suspend all correspondence and must not resume work until it has made sure that the communication consequent upon the call for assistance has been completed.

When a ship in distress adds, after a series of signals of distress, the call-signal of a particular station, the duty of answering the call rests with that station only. Failing any mention of a particular station in the signal of distress, every station which perceives the call is bound to answer it.

2. L'appel ne peut être fait, en règle générale, que lorsque le navire se trouve à une distance de la station côtière inférieure à 75 pour cent de la portée normale de cette dernière.

3. Avant de procéder à un appel, la station de bord doit régler le plus sensiblement possible son système récepteur et s'assurer que la station côtière qu'elle veut appeler n'est pas en communication. Si elle constate qu'une transmission est en cours, elle attend la première suspension.

4. La station de bord fait emploi, pour l'appel, de l'onde normale de la station côtière.

5. Si, malgré ces précautions, un échange radiotélégraphique public est entravé, l'appel doit cesser à la première demande d'une station côtière ouverte à la correspondance publique. Cette station doit alors indiquer la durée approximative de l'attente.

2. The call must only be made, as a general rule, when the distance of the ship from the coast station is less than 75 per cent. of the normal range of the latter.

3. Before beginning to call, the ship station must adjust its receiving apparatus to the highest possible degree of sensitiveness and make sure that the coast station which it wishes to call is not engaged in communication. If it finds that transmission is taking place it awaits the first break.

4. The ship station uses, for calling purposes, the normal wavelength of the coast station.

5. If in spite of these precautions the exchange of public radiotelegraphic traffic is interfered with, the call must cease at the first request made by a coast station open for public correspondence. This station must then indicate approximately how long it will be necessary to wait.

XX.

1. L'appel comporte le signal — . — . —, l'indicatif répété trois fois de la station appelée, le mot "de" suivi de l'indicatif de la station expéditrice répété trois fois.

2. La station appelée répond en donnant le signal — . — . —, suivi de l'indicatif répété trois fois de la station correspondante, du

XX.

1. The call comprises the signal — . — . —, the call-signal of the coast station thrice repeated, the word "de" followed by the call-signal of the transmitting station thrice repeated.

2. The station called answers by giving the signal — . — . —, followed by the call-signal of the calling station thrice repeated,

mot "de," de son indicatif et du signal — . —.

by the word "de," by its own call-signal, and by the signal — . —.

XXI.

Si une station appelée ne répond pas à la suite de l'appel (article 20) répété trois fois à des intervalles de deux minutes, l'appel ne peut être repris qu'après un intervalle d'une demi-heure, la station faisant l'appel s'étant d'abord assurée qu'aucune communication radiotélégraphique n'est en cours.

XXI.

If a station called does not reply as the result of the call (article 20) thrice repeated at intervals of two minutes, the call can only be renewed after an interval of half-an-hour, the station making the call having first ascertained that no radiotelegraphic communication is in progress.

XXII.

1. Aussitôt que la station côtière a répondu, la station de bord fait connaître —

(a.) La distance du navire à la station côtière en milles nautiques;

(b.) Le relèvement vrai en degrés comptés de 0 à 360;

(c.) La route vraie en degrés comptés de 0 à 360;

(d.) La vitesse en milles nautiques;

(e.) Le nombre de mots qu'elle a à transmettre.

2. La station côtière répond en indiquant le nombre de mots à transmettre au navire.

3. Si la transmission ne peut avoir lieu immédiatement, la station côtière fait connaître à la station de bord la durée approximative de l'attente.

XXII.

1. As soon as the coast station has answered, the ship station makes known —

(a.) The distance of the ship from the coast station in nautical miles.

(b.) Its true bearings in degrees reckoned from 0 to 360.

(c.) Its true course in degrees reckoned from 0 to 360.

(d.) Its speed in nautical miles.

(e.) The number of words which it has to transmit.

2. The coast station replies by indicating the number of words which it has to transmit to the ship.

3. If transmission can not take place at once the coast station informs the ship station approximately how long it will be necessary to wait.

XXIII.

Lorsqu'une station côtière est saisie d'appels provenant de plusieurs stations de bord, la station côtière décide de l'ordre dans lequel les stations de bord seront admises à échanger leurs correspondances.

Pour régler cet ordre, la station côtière s'inspire uniquement de la nécessité de permettre à toute station intéressée d'échanger le plus grand nombre possible de radiotélégrammes.

XXIII.

When a coast station receives calls from several ship stations, the coast station decides the order in which the ship stations shall be allowed to transmit their correspondence.

The sole consideration which must govern the coast station in settling this order is the necessity of allowing every station concerned to exchange the greatest possible number of radiotelegrams.

XXIV.

Avant de commencer l'échange de la correspondance, la station côtière fait connaître à la station de bord si la transmission doit s'effectuer dans l'ordre alternatif ou par séries (article 18); elle commence ensuite la transmission ou fait suivre ses indications du signal — . — (invitation à transmettre).

XXIV.

Before beginning the exchange of correspondence the coast station informs the ship station whether transmission is to take place in alternate order or in series (article XVIII); it then begins transmission or follows up these service instructions with the signal — . — (invitation to transmit).

XXV.

La transmission du radiotélégramme est précédée du signal — . — . — et terminée par le signal . — . — . suivi de l'indicatif de la station expéditrice.

XXV.

The transmission of a radiotelegram is preceded by the signal — . — . — and terminated by the signal . — . — ., followed by the call-signal of the transmitting station.

XXVI.

Lorsque le radiotélégramme à transmettre contient plus de quarante mots, la station expédi-

XXVI.

When the radiotelegram to be transmitted contains more than 40 words the transmitting station

trice interrompt la transmission après chaque série de vingt mots environ par un point d'interrogation . . - - . . , et elle ne reprend la transmission qu'après avoir obtenu de la station correspondante la répétition du dernier mot bien reçu suivi d'un point d'interrogation.

Dans le cas de transmission par séries, l'accusé de réception est donné après chaque radiotélégramme.

XXVII.

1. Lorsque les signaux deviennent douteux, il importe d'avoir recours à toutes les ressources possibles pour l'achèvement de la transmission. A cet effet, le radiotélégramme est répété, à la demande de la station réceptrice, sans toutefois dépasser trois répétitions. Si, malgré cette triple transmission, les signaux sont toujours illisibles, le radiotélégramme est annulé. Si l'accusé de réception n'est pas reçu, la station transmettrice appelle de nouveau la station correspondante. Si aucune réponse n'est faite après trois appels, la transmission n'est pas poursuivie.

2. Si la station réceptrice juge que, malgré une réception défectueuse, le radiotélégramme peut être remis, elle inscrit la mention de service: "réception douteuse" à la fin du préambule et donne cours au radiotélégramme.

interrupts transmission after each series of about 20 words with a mark of interrogation . . - - . . , and only continues transmission after having obtained from the receiving station the repetition of the last word duly received, followed by a mark of interrogation.

In the case of transmission by series, an acknowledgment of receipt is given after each radiotelegram.

XXVII.

1. When the signals become doubtful, it is important that recourse should be had to all possible means for effecting transmission. For this purpose the radiotelegram is repeated, at the request of the receiving station, but not more than three times. If, in spite of this triple transmission, the signals are still unreadable, the radiotelegram is cancelled. If an acknowledgment of receipt is not received the transmitting station again calls the receiving station. If no reply is made after three calls, transmission is not continued.

2. If the receiving station, in spite of defective reception, thinks that the radiotelegram may be delivered, it inserts the service instruction "reception doubtful" at the end of the preamble and sends on the radiotelegram.

XXVIII.

Toutes les stations sont tenues d'échanger le trafic avec le minimum de dépense d'énergie nécessaire pour assurer une bonne communication.

IV. — *Accusé de réception et fin du travail.*

XXIX.

1. L'accusé de réception se donne dans la forme prescrite par le règlement télégraphique international précédé de l'indicatif de la station transmettrice et suivi de l'indicatif de la station réceptrice.

2. La fin du travail entre deux stations est indiquée par chaque station au moyen du signal . . . — — suivi de son indicatif.

V. — *Direction à donner aux radiotélégrammes.*

XXX.

1. En principe, la station de bord transmet ses radiotélégrammes à la station côtière la plus rapprochée.

2. Toutefois un expéditeur à bord d'un navire a le droit d'indiquer la station côtière par laquelle il désire que son radiotélégramme soit expédié.

La station de bord attend alors jusqu'à ce que cette station côtière soit la plus rapprochée.

XXVIII.

All stations are bound to exchange traffic with the minimum expenditure of energy required for obtaining effective communication.

IV. — *Acknowledgment of receipt and end of work.*

XXIX.

1. The acknowledgment of receipt is given in the form prescribed by the international telegraph regulations preceded by the call-signal of the transmitting station and followed by the call-signal of the receiving station.

The end of work between two stations is indicated by each station by means of the signal . . . — followed by its call-signal.

V. — *Route to be followed by radiotelegrams.*

XXX.

1. As a general principle, the ship station transmits its radiotelegrams to the nearest coast station.

2. Nevertheless, a sender on board ship is at liberty to indicate the coast station by which he desires his radiotelegram to be despatched.

The ship station then waits until this coast station becomes the nearest. If this condition can-

Si cette condition n'est pas réalisable, il n'est donné satisfaction à l'expéditeur que si la transmission peut s'effectuer sans troubler le service d'autres stations.

not be fulfilled, the sender's wishes are only complied with if transmission can be effected without interfering with the service of other stations.

REMISE DES RADIOTÉLÉGRAMMES À DESTINATION.

DELIVERY OF RADIOTELEGRAMS.

XXXI.

Lorsque pour une cause quelconque un radiotélégramme provenant d'un navire en mer ne peut être remis au destinataire, il est émis un avis de non-remise. Cet avis est transmis au navire, s'il est possible. Lorsqu'un radiotélégramme parvenu à une station de bord ne peut être remis, cette station en fait part au bureau d'origine par avis de service. Cet avis est transmis, autant que possible, à la station côtière par laquelle a transité le radiotélégramme, ou le cas échéant à la station côtière la plus rapprochée.

XXXI.

When for any reason whatever a radiotelegram from a ship at sea can not be delivered to the addressee, an advice of non-delivery is sent. This advice is transmitted, if possible, to the ship. When a radiotelegram reaching a ship station can not be delivered, that station informs the office of origin by means of a service advice. This advice is transmitted, as far as possible, to the coast station through which the radiotelegram has been received, or, if the circumstances require it, to the nearest coast station.

XXXII.

Si le navire auquel est destiné un radiotélégramme n'a pas signalé sa présence à la station côtière dans le délai indiqué par l'expéditeur ou, à défaut d'une telle indication, jusqu'au matin du vingt-neuvième jour suivant, cette station côtière en donne avis à l'expéditeur.

Celui-ci a la faculté de demander par avis de service taxé,

XXXII.

If the ship to which a radiotelegram is addressed has not notified its presence to the coast station within the period indicated by the sender, or, failing such indication, before the morning of the 29th day, the coast station advises the sender to that effect.

The latter has the right to request, by a paid telegraphic or

télégraphique ou postal, adressé à la station côtière, que son radiotélégramme soit retenu pendant une nouvelle période de trente jours pour être transmis au navire et ainsi de suite. A défaut d'une telle demande, le radiotélégramme est mis au rebut à la fin du trentième jour (jour de dépôt non compris).

Toutefois, si la station côtière a l'assurance que le navire est sorti de son rayon d'action avant qu'elle ait pu lui transmettre la radiotélégramme, cette station en avise l'expéditeur.

postal service message addressed to the coast station, that his radiotelegram may be retained for a further period of 30 days for transmission to the ship, and so on. Failing a request to this effect, the radiotelegram is treated as undeliverable at the end of the 30th day (the day of handing in not included).

Nevertheless, if the coast station knows that the ship has passed beyond its range of transmission before the radiotelegram could be transmitted to it, that station advises the sender accordingly.

TÉLÉGRAMMES SPÉCIAUX.

XXXIII.

Ne sont pas admis :

- (a.) Les télégrammes avec réponse payée ;
- (b.) Les télégrammes-mandats ;
- (c.) Les télégrammes avec collationnement ;
- (d.) Les télégrammes avec accusé de réception ;
- (e.) Les télégrammes à faire suivre ;
- (f.) Les télégrammes de service taxés, sauf en ce qui concerne le parcours sur les lignes du réseau télégraphique ;
- (g.) Les télégrammes urgents, sauf en ce qui concerne le parcours sur les lignes du réseau

SPECIAL TELEGRAMS.

XXXIII.

The following are not admitted :

- (a.) Telegrams with prepaid replies.
- (b.) Telegraph money orders.
- (c.) Collated telegrams.
- (d.) Telegrams with acknowledgment of receipt.
- (e.) Telegrams "to follow."
- (f.) Paid service telegrams, except as regards transmission over the ordinary telegraph system.
- (g.) Urgent telegrams, except as regards transmission over the ordinary telegraph system, subject

télégraphique, sous réserve de l'application des prescriptions du règlement télégraphique international;

(h.) Les télégrammes à remettre par exprès ou par poste.

to the provisions of the international telegraph regulations.

(h.) Telegrams to be delivered by express or by post.

ARCHIVES.

XXXIV.

Les originaux des radiotélégrammes et les documents y relatifs retenus par les administrations ou les exploitations privées sont conservés au moins pendant douze mois à compter du mois qui suit le mois du dépôt du radiotélégramme avec toutes les précautions nécessaires au point de vue du secret.

Ces originaux et documents sont, autant que possible, envoyés au moins une fois par mois, par les stations de bord, aux administrations dont elles relèvent.

RECORDS.

XXXIV.

The originals of radiotelegrams and the documents relating to them retained by the administrations or private enterprises are preserved for at least 12 months, reckoned from the month following that of handing in, with all necessary precautions to secure secrecy.

These originals and documents are, as far as possible, sent at least once a month by ship stations to the administrations to whose authority they are subject.

DÉTAXES ET REMBOURSEMENTS.

XXXV.

1. En ce qui concerne les détaxes et remboursements il est fait application des dispositions du règlement télégraphique international en tenant compte des restrictions indiquées à l'article XXXIII du présent règlement et sous les réserves suivantes:

Le temps employé pour la transmission radiotélégraphique, ainsi

REFUNDS AND REIMBURSEMENTS.

XXXV.

1. Refunds and reimbursements are governed by the provisions of the international telegraph regulations, regard being had to the restrictions indicated in article XXXIII of the present regulations and subject to the following reservations:

The time occupied in transmission by radiotelegraphy and the

que la durée du séjour du radiotélégramme dans la station côtière ou dans la station de bord, ne comptent pas dans les délais concernant les détaxes et remboursements.

Le remboursement est supporté par les différentes administrations ou exploitations privées qui ont participé à l'acheminement du radiotélégramme, chaque administration abandonnant sa part de taxe. Toutefois, les radiotélégrammes auxquels sont applicables les articles VII et VIII de la convention de Saint-Petersbourg restent soumis aux dispositions du règlement télégraphique international, sauf lorsque l'acceptation de ces radiotélégrammes est le résultat d'une erreur de service.

2. Lorsque l'accusé de réception d'un radiotélégramme n'est pas parvenu à la station qui l'a transmis, la taxe n'est remboursée que lorsqu'il a été établi que le radiotélégramme donne lieu à remboursement.

time during which the radiotelegram remains at the coast station or at the ship station are not reckoned in the periods of delay which give rise to refunds and reimbursements.

The reimbursement is borne by the different administrations or private enterprises which have taken part in the transmission of the radiotelegram, each administration foregoing its proportion of the charge. Nevertheless, radiotelegrams which come under articles VII and VIII of the convention of St. Petersburg remain subject to the provisions of the international telegraph regulations, except when it is due to an error of service that such radiotelegrams have been accepted.

2. When the acknowledgment of receipt of a radiotelegram has not reached the station which transmitted the radiotelegram, the charge is only refunded after it has been proved that the radiotelegram is one which gives rise to reimbursement.

COMPTABILITÉ.

XXXVI.

1. Les taxes côtières et de bord n'entrent pas dans les comptes prévus par le règlement télégraphique international.

Les comptes concernant ces taxes sont liquidés par les ad-

ACCOUNTS.

XXXVI.

1. The coast and ship charges do not enter into the accounts for which provision is made in the international telegraph regulations.

The accounts relating to these charges are settled by the ad-

ministrations des gouvernements intéressés. Ils sont établis par les administrations dont relèvent les stations côtières et communiqués par elles aux administrations intéressées.

2. Pour la transmission sur les lignes du réseau télégraphique, le radiotélégramme est traité, au point de vue des comptes, conformément au règlement télégraphique international.

3. Pour les radiotélégrammes originaires des navires, l'administration dont relève la station de bord est débitée par celle dont relève la station côtière des taxes côtières et télégraphiques ordinaires perçues à bord des navires.

Pour les radiotélégrammes à destination des navires, l'administration qui a perçu les taxes est débitée directement par l'administration dont relève la station côtière des taxes côtières et de bord. Cette dernière crédite l'administration dont relève le navire de la taxe de bord.

Toutefois, dans le cas où l'administration qui a perçu les taxes est la même que celle dont relève la station de bord, la taxe de bord n'est pas débitée par l'administration dont dépend la station côtière.

4. Les comptes mensuels servant de base à la comptabilité spéciale des radiotélégrammes sont établis radiotélégramme par radiotélé-

ministrations of the governments concerned. They are prepared by the administrations responsible for the coast stations and are communicated by them to the administrations concerned.

2. In respect of transmission over the ordinary telegraph system a radiotelegram is treated, for accounting purposes, in accordance with the international telegraph regulations.

3. In respect of radiotelegrams from ships, the administration responsible for the ship station is debited by the administration responsible for the coast station with the coast and ordinary telegraph charges collected on board the ship.

In respect of radiotelegrams addressed to ships, the administration which has collected the charges is debited directly by the administration responsible for the coast station with the coast and ship charges. The latter administration credits the administration responsible for the ship with the ship charge.

Nevertheless, in cases where the administration which has collected the charges is that responsible for the ship station, the ship charge is not debited by the administration responsible for the coast station.

4. The monthly accounts on which the special accounting in respect of radiotelegrams is based are prepared radiotelegram by

gramme avec toutes les indications utiles et dans un délai de six mois à partir du mois auquel ils se rapportent.

5. Les gouvernements se réservent la faculté de prendre entre eux et avec les exploitations privées (entrepreneurs exploitant des stations radiotélégraphiques, compagnies de navigation, &c.) des arrangements spéciaux en vue de l'adoption d'autres dispositions concernant la comptabilité.

radiotelegram, with all the necessary particulars, within six months from the month to which they relate.

5. The governments reserve the right of making between themselves and in their dealings with private enterprises (organisations working radiotelegraph stations, shipping companies, &c.) special arrangements for the adoption of other methods of accounting.

BUREAU INTERNATIONAL.

XXXVII.

Le Bureau International des Administrations Télégraphiques sera chargé sous réserve du consentement du gouvernement de la Confédération Suisse et de l'approbation de l'Union Télégraphique, des attributions déterminées à l'article 13 de la convention.

Les dépenses supplémentaires résultant du fonctionnement du bureau international, en ce qui concerne la radiotélégraphie, ne doivent pas dépasser 40,000 fr. par an, non compris les frais spéciaux auxquels donne lieu la réunion d'une conférence internationale.

INTERNATIONAL BUREAU.

XXXVII.

The International Bureau of Telegraph Administrations will be entrusted, subject to the consent of the government of the Swiss Confederation and to the approval of the Telegraph Union, with the functions specified in article 13 of the convention.

The additional expenses resulting from the exercise by the international bureau of its functions in respect of radiotelegraphy must not exceed 40,000 francs per annum, not including extraordinary expenditure occasioned by the assembling of an international conference.

Ces dépenses font l'objet d'un décompte spécial et il est fait application à leur sujet des dispositions du règlement télégraphique international. Toutefois, en attendant la réunion de la prochaine conférence, chaque gouvernement contractant fait connaître au bureau international la classe dans laquelle il désire être inscrit.

These expenses form the subject of a special account, and the provisions of the international telegraph regulations are applicable to them. Nevertheless, pending the meeting of the next conference, each contracting government shall notify to the international bureau the class in which it wishes to be included.

XXXVIII.

Les différentes administrations font parvenir au bureau international un tableau conforme au modèle ci-joint et contenant les indications énumérées dans le dit tableau pour les stations visées à l'article IV du règlement. Les modifications survenues et les suppléments sont communiqués par les administrations au bureau international du 1^{er} au 10 de chaque mois. A l'aide de ces communications, le bureau international dresse une nomenclature qu'il tient au courant. La nomenclature et ses suppléments sont imprimés et distribués aux administrations intéressées; ils peuvent également être vendus au public au prix de revient.

Le bureau international veille à ce que l'adoption d'indicatifs identiques pour les stations radiotélégraphiques soit évitée.

XXXVIII.

The various administrations shall supply the international bureau with a return in conformity with the annexed model, containing the particulars specified therein in respect of the stations indicated in article IV of the regulations. Subsequent modifications and additions shall be communicated by the administrations to the international bureau between the 1st and 10th of each month. By means of the information thus communicated the international bureau shall prepare a list and keep it up to date. The list and its supplements shall be printed and distributed to the administrations concerned; they may also be sold to the public at cost price.

The international bureau shall take care that the same call-signals are not adopted for different radiotelegraph stations.

DISPOSITIONS DIVERSES.

MISCELLANEOUS PROVISIONS.

XXXIX.

Les administrations facilitent la communication aux agences d'informations maritimes qu'elles agréent des renseignements concernant les avaries et sinistres maritimes ou présentant un intérêt général pour la navigation dont les stations côtières peuvent régulièrement donner communication.

XXXIX.

The administrations shall facilitate arrangements for communicating to such maritime news agencies as they think fit such information respecting wrecks and shipping casualties, or of general interest for purposes of navigation, as can properly be communicated to them by their coast stations.

XL.

Les transmissions échangées entre les stations de bord visées à l'article 1^{er} de la convention doivent s'effectuer de manière à ne pas troubler le service des stations côtières, celles-ci devant avoir, en règle générale, le droit de priorité pour la correspondance publique.

XL.

Traffic exchanged between the ship stations indicated in article 1 of the convention must be so regulated as not to interfere with the service of coast stations, the latter being entitled as a general rule to priority for purposes of public correspondence.

XLI.

1. A moins d'arrangements spéciaux entre les intéressés, les dispositions du présent règlement sont applicables, par analogie, à l'échange radiotélégraphique entre deux navires en mer, sauf les exceptions suivantes :

XLI.

1. In the absence of special arrangements between the parties concerned, the provisions of the present regulations are applicable, by analogy, to the exchange of radiotelegraphic traffic between two ships at sea, with the following exceptions :

(a.) Article XIV. La taxe de bord revenant au navire transmetteur est perçue sur l'expéditeur et celle revenant au navire récepteur est perçue sur le destinataire;

(b.) Article XVIII. L'ordre de transmission est réglé chaque fois de commun accord entre les stations correspondantes;

(c.) Article XXXVI. Les taxes des radiotélégrammes en question n'entrent pas dans les comptes prévus à cet article, ces taxes étant acquises aux administrations qui les ont encaissées.

2. La retransmission des radiotélégrammes échangés entre les navires en mer est subordonnée à des arrangements spéciaux entre les intéressés.

(a.) Article XIV.—The ship charge accruing to the transmitting ship is collected from the sender, and that accruing to the receiving ship is collected from the addressee.

(b.) Article XVIII.—The order of transmission is settled on each occasion by mutual agreement between the communicating stations.

(c.) Article XXXVI. — The charges in respect of the radiotelegrams in question do not enter into the accounts provided for in article XXXVI, these charges being retained by the administrations which have collected them.

2. The retransmission of radiotelegrams exchanged between ships at sea is subject to special arrangements between the parties concerned.

XLII.

Les dispositions du règlement télégraphique international sont applicables, par analogie, à la correspondance radiotélégraphique en tant qu'elles ne sont pas contraires aux dispositions du présent règlement.

Conformément à l'article XI de la convention de Berlin, ce règlement entrera en vigueur le 1^{er} Juillet, 1908.

En foi de quoi les plénipotentiaires respectifs ont signé le règle-

XLII.

The provisions of the international telegraph regulations are applicable, by analogy, to radiotelegraphic correspondence in so far as they are not inconsistent with the provisions of the present regulations.

In conformity with article XI of the convention of Berlin, these regulations shall come into force on the 1st July, 1908.

In witness whereof the respective plenipotentiaries have signed

ment en un exemplaire, qui restera déposé aux archives du gouvernement impérial d'Allemagne et dont une copie sera remise à chaque partie.

the regulations in a single copy, which will remain deposited in the archives of the imperial German government, and of which a copy shall be sent to each party.

Fait à Berlin, le 3 Novembre, 1906.

Done at Berlin, the 3rd November, 1906.

[Here follow the same signatures as appended to the convention itself.]

NOTE. — The ratifications of the following states have, up to the present, been deposited at Berlin on the dates mentioned: Great Britain [subject to the reservation as regards the right of exemption referred to in Article II of the final protocol (see p. 344)], June 30, 1908; Austria-Hungary, Jan. 17, 1909; Belgium, Feb. 21, 1907; Brazil, July 2, 1908; Bulgaria, May 29, 1908; Denmark, June 10, 1907; Germany, March 18, 1908; Japan [subject to the reservation as regards the right of exemption referred to in Article II of the final protocol (see p. 344)], June 14, 1908; Mexico, Oct. 15, 1907; Netherlands, July 14, 1907; Norway, Oct. 19, 1907; Portugal, Feb. 26, 1909; Roumania, May 31, 1907; Russia, July 8, 1908; Spain, May 29, 1908; Sweden, Feb. 6, 1908.

The following accessions have occurred:

(1) BRITISH COLONIES, ETC. [subject to the reservation as regards the right of exemption referred to in Article II of the final protocol (see p. 344)]: Ashanti, Commonwealth of Australia, Bahamas, Barbados, Basutoland, Bechuanaland Protectorate, Bermuda, British Guiana, British Honduras, Dominion of Canada, Cape Colony, Ceylon, Cyprus, East Africa Protectorate, Falkland Islands, Fiji, Gambia, Gibraltar, Gold Coast Colony, Hong Kong, India, Jamaica, Labuan, Leeward Islands, Malta, Mauritius, Natal, Dominion of New Zealand, Northern Nigeria, North-Western Rhodesia, Nyasaland Protectorate, St. Helena, Seychelles, Sierra Leone, Somaliland Protectorate, Southern Nigeria, Southern Rhodesia, Straits Settlements, Swaziland, Transvaal, Trinidad, Turks Islands, Uganda Protectorate, Weihaiwei, Western Pacific Protectorates, Windward Islands, viz.: Grenada, St. Lucia, St. Vincent.

(2) GERMANY acceded on behalf of her protectorates.

Administration de

État signalétique des stations radiotélégraphiques.

(a.) Stations côtières.

Nom.	Nationalité.	Position géographique.	Indicatif d'appel.	Portée normale.	Système radiotélégraphique.	Catégorie des Appareils récepteurs (Appareils écrivants, appareils à réception auditive ou autres).	Longueurs d'onde (la longueur d'onde normale est soulignée).	Nature du service effectué par la station.	Heures d'ouverture (avec l'Indication du méridien auquel elles se rapportent).	Taxe côtière avec indication du minimum de taxe.	Observations.
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Administration of

Particulars of radiotelegraph stations.

(a.) Coast stations.

Name.	Nationality.	Geographical position.	Call-signal.	Normal range.	System of radiotelegraphy.	Nature of receiving apparatus (recording apparatus, sound-reading, or other apparatus).	Wave-lengths (the normal wave-length is underlined).	Nature of service performed by the station.	Hours of service (showing the meridian to which they refer).	Coast charge, showing minimum charge.	Remarks.
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[illegible][illegible][illegible]

BOLIVIA-PERU. TREATY OF GENERAL ARBITRATION.

Signed, November 21, 1901.

The president of the republic of Bolivia and the president of the republic of Peru, being desirous to draw closer the bonds which exist between the two states, by establishing arbitration in the relations of the two republics, have for that purpose named as their plenipotentiaries:

His excellency the president of the republic of Bolivia, Dr. Federico Diez de Medina, his minister of foreign relations; and his excellency the president of the republic of Peru, Dr. Felipe de Osma, his envoy extraordinary and minister plenipotentiary, who have concluded the following treaty of arbitration:

ARTICLE 1.

The high contracting parties pledge themselves to submit to arbitration all the controversies which have thus far been pending, and those which, while the present treaty is in force, may arise between them, whatever may be their nature and causes, provided that it has been found impossible to settle them by direct negotiation.

ARTICLE 2.

In each case that may arise the contracting parties shall conclude a special agreement with a view to determining the subject-matter of the controversy, to fixing the points that are to be settled, the extent of the powers of the arbitrators, and the procedure to be observed.

ARTICLE 3.

In case the high contracting parties do not succeed in agreeing on the points referred to in the foregoing article, the arbitrator shall be authorized to determine, in view of the claims of both parties, the points of fact and of law that are to be decided for the settlement of the controversy, and to establish the mode of procedure to be followed.

ARTICLE 4.

The high contracting parties agree that the arbitrator shall be the permanent court of arbitration that may be established in virtue of the decisions adopted by the Pan-American Conference now sitting in the City of Mexico.

ARTICLE 5.

For these two cases: (a) if the court referred to in the foregoing article shall not be created, and (b) if there is need of having recourse to arbitration before that court shall be created, the high contracting parties agree to designate as arbitrator the government of the Argentine Republic, that of Spain, and that of the United Mexican states for the performance of this duty, one to act in case of the disability of the other, and in the order in which they are named.

ARTICLE 6.

If, while the present treaty is in force, and in the two contingencies referred to in the foregoing article, different cases of arbitration shall arise, they shall be successively submitted for decision to the aforesaid governments in the order above established.

ARTICLE 7.

The arbitrator shall further be competent:

1. To pass upon the regularity of his appointment, the validity of the agreement, and the interpretation thereof.
2. To adopt such measures as may be necessary, and to settle all difficulties that may arise in the course of the debate. Concerning questions of a technical or a scientific character that may arise during the debate, the opinion of the Royal Geographical Society of London or that of the International Geodetic Institute of Berlin shall be asked.
3. To designate the time in which he shall perform his arbitral functions.

ARTICLE 8.

The arbitrator shall decide in strict obedience to the provisions of international law, and, on questions relating to boundary, in strict obedience to the American principle of "uti possedetis" of 1810, whenever, in the agreement mentioned in article 2, the application of the special rules shall not be established, or in case the arbitrator shall (not?) be authorized to decide as an amicable referee.

ARTICLE 9.

The decision shall decide, definitely, every point in dispute, stating the reasons therefor. It shall be prepared in duplicate, and notice thereof shall be given to each of the parties through its representative before the arbitrator.

ARTICLE 10.

The decision, legally pronounced, shall decide, within the limits of the scope, the contest between the parties.

ARTICLE 11.

The arbitrator shall fix, in his decision, the time within which said decision is to be executed.

ARTICLE 12.

No appeal from the decision shall be allowed, and its execution is intrusted to the honor of the nations that sign this treaty.

Nevertheless, an appeal for revision to the arbitrator who pronounced it shall be admissible, provided that such appeal be taken before the expiration of the time fixed for its execution, in the following cases:

1. If the decision has been pronounced on the basis of a counterfeit document, or of one that has been tampered with.
2. If the decision has been, either in whole or in part, the consequence of a fact resulting from the proceedings or documents of the case.

ARTICLE 13.

An appeal for revision shall in no case be required after six months from the time when notice of the decision shall have been given.

ARTICLE 14.

The high contracting parties shall appoint their representatives for the proceedings, shall place at the disposal of the arbitrator all the information in their power, and shall pay their own expenses and one-half of the general expenses of the arbitration.

ARTICLE 15.

The same arbitrator who pronounced the decision shall decide concerning such questions as may arise in the execution thereof.

ARTICLE 16.

This treaty shall remain in force for ten years, reckoned from the date of the exchange of its ratifications. If no notice shall be given six months before its expiration of a desire for the cessation of its effects, it shall continue in force ten years longer, and so successively.

ARTICLE 17.

The ratifications of this treaty shall be exchanged at La Paz or at Lima within one year from the day of its date.

In testimony whereof, the undersigned have signed and sealed this treaty, prepared in duplicate, in the city of La Paz, on the 21st day of the month of November, 1901.

FEDERICO DIEZ DE MEDINA.

FELIPE DE OSMA.

BOLIVIA-PERU. TREATY RELATING TO THE DEMARCATION OF FRONTIERS.

Signed, September 23, 1902.

The government of the republic of Peru and of the republic of Bolivia, having in view the solution by peaceful and friendly means of the controversy as to limits now pending between both countries, have agreed to define and fix the divisionary line, and have appointed for this purpose their plenipotentiary, viz:

His excellency the president of Peru has appointed Dr. Felipe de Osma its envoy extraordinary and minister plenipotentiary to the Government of Bolivia.

His excellency the president of the republic of Bolivia has appointed Dr. Eliodoro Villazou, the minister of foreign affairs.

These parties, after exhibiting their full powers and finding them to be in due form, have agreed to the following articles:

ARTICLE 1.

The two high contracting parties agree to proceed to the demarcation of the frontier, from the point of intersection between this and the boundary of the territories occupied by Chile, in accordance with the third clause of the treaty of peace of 1883, on the west, and as far as the snow fields or Palomani on the east, it being understood that in this region the terminating point of the divisionary line is to be fixed in accordance with the surveys and indications of the commission of limits. The settlement of the question as to the remainder of the frontier is reserved for another special convention.

ARTICLE 2.

The high contracting parties likewise agree to proceed, in accordance with the conditions of the present treaty, to the demarcation of the line

which separates the Peruvian provinces of Tacua and Africa from the Bolivian province of Carangas, immediately after the said provinces are once more under the sovereignty of Peru.

ARTICLE 3.

The frontier pointed out in the first article shall be surveyed by a mixed demarcation commission, composed, on each side, of a national commission capable of examining and appreciating the titles relating to the limits, a chief geographical engineer, an assistant engineer, a secretary, and the necessary auxiliary staff. These commissions shall be duly constituted, and shall commence their labors as soon as the interchange of ratifications has taken place.

ARTICLE 4.

The surveys shall comprise at least a league in extent on each side of the limit now recognized, and as regards the points about which there exists dispute they shall include the whole of the disputed territory, with its irregularities and topographical details.

ARTICLE 5.

The mixed commission shall make plans, dividing them into numbered sections, and shall set down in them the irregularities of the grounds, the limits more or less recognized at the present time, and the advances or limits claimed by the commissioners of each nation. Having come to an agreement, it shall proceed to the demarcation and placing of landmarks on the divisionary line, and while ordering them to be placed in their proper position, shall draw up a document setting forth the facts and also the number of landmarks. Should there be any disagreement, each commission will mark on a plan the limit which ought to be fixed, according to its judgment, and will accompany the same with a concise memorandum, stating what are the titles and which are the reasons.

ARTICLE 6.

The plans or maps shall be submitted to the examination and approval of the respective governments, and by means of a general protocol, or other partial ones, the definite divisionary line of both nations shall be fixed, and on the said line shall be set up the landmarks, their respective localities being duly set forth in as many minutes of the proceedings as may be necessary.

ARTICLE 7.

If the high contracting parties should be unable to resolve between themselves the cases which may arise of disagreement between the respective commissions, they shall submit the same to arbitration.

ARTICLE 8.

The detailed instructions for the commissions to commence their labors shall be agreed upon in due time, by means of a special protocol, and they shall be handed to the respective commissions, which, for this purpose, shall have assembled in the city of La Paz or in that of Puno.

In witness whereof the undersigned have set their hand and seal to the present treaty, drawn up in duplicate, in the city of La Paz, on the 23d day of September, 1902.

FELIPE DE OSMÁ.

ELIODORO VILLAZOU.

BOLIVIA-PERU. TREATY OF ARBITRATION RESPECTING LIMITS.

Signed, December 30, 1902.

The president of the republic of Peru and the president of the republic of Bolivia, being desirous of settling the question of limits now pending between the two states, have for this purpose appointed as their plenipotentiaries:

His excellency the president of Peru has appointed Dr. Felipe de Osma its envoy extraordinary and minister plenipotentiary to the government of Bolivia.

And his excellency the president of the republic of Bolivia has appointed Dr. Eliodoro Villazou, the minister of foreign affairs.

These parties, after exhibiting their full powers and finding them to be in due form, have agreed, in accordance with the second clause of the general arbitration treaty of November 21 of last year, to the following:

ARTICLE 1.

The high contracting parties submit to the judgment and decision of the government of the Argentine Republic, as arbitrator and judge of rights, the question of limits now pending between both republics, so as to obtain a definite and unappealable sentence, in virtue of which all the territory which in 1810 belonged to the jurisdiction or district of the

Ancient Audience of Charcas, within the limits of the viceroyalty of Buenos Ayres, by acts of the ancient sovereign, may belong to the republic of Bolivia; and all the territory which at the same date and by acts of equal origin belonged to the viceroyalty of Peru may belong to the republic of Peru.

ARTICLE 2.

The demarcation and placing of landmarks on the frontier which commences between the Peruvian provinces of Tacua and Africa and the Bolivian province of Carangas on the west, as far as the snow field of Palomani, having been arranged, that section does not form part of the present treaty.

ARTICLE 3.

The arbitrator, in announcing his decision, shall do so in accordance with the laws of the recompilation of the Indies, royal schedules and orders, the decrees of intendentes, the diplomatic documents relating to the demarcation of frontiers, official maps and descriptions, and in general with all the documents which may have been dictated with official character, so as to give the true and correct meaning and effect to the said royal dispositions.

ARTICLE 4.

Whenever the royal acts and dispositions do not define the dominion of a territory in clear terms, the arbitrator shall decide the question according to equity, keeping as near as possible to the meaning of those documents and to the spirit which inspired them.

ARTICLE 5.

The possession of a territory, although held by one of the high contracting parties, can not have effect nor prevail against the titles or royal dispositions setting forth the contrary.

ARTICLE 6.

The high contracting parties shall, as soon as the ratifications of this treaty have been interchanged, request the government of the Argentine Republic, simultaneously, and by means of their respective envoys extraordinary and ministers plenipotentiary, to accept the post of arbitrator, assume jurisdiction for the cognizance, substantiation, and decision of the controversy and to establish the mode of procedure to be followed.

ARTICLE 7.

Within one year after advice of acceptance by the Argentine government, the aforesaid diplomatic representatives shall present their statement expressing clearly the rights of their respective states, and the documents which uphold them or upon which they are founded.

ARTICLE 8.

The aforesaid diplomatic agents shall represent their governments in the case with all the necessary authority to receive and reply to statements, offer proofs, present and amplify briefs, provide data to enlighten the discussion of the respective rights, and, in short, to carry on the case to its conclusion.

ARTICLE 9.

As soon as the decision is given, it shall be definitely recorded by the mere fact of it being communicated to the aforesaid envoys extraordinary and ministers plenipotentiary of the high contracting parties. From that moment the territorial delimitation shall be considered definitely and compulsorily established by right between both republics.

ARTICLE 10.

For all that is not specially settled by this treaty, that of November 21, 1901, shall be in force.

ARTICLE 11.

The ratifications of this treaty, after it has been duly approved and ratified by the governments and legislatures of both states, shall be interchanged at La Paz or in Lima, without the slightest delay.

In witness whereof the undersigned have set their hand and seal to the present treaty, drawn up in duplicate, in the city of La Paz, on the 30th day of December, 1902.

FELIPE DE OSMA.
ELIODORO VILLAZOU.

MODIFICATIONS MADE BY THE CONGRESS OF BOLIVIA TO THE TREATIES OF
SEPTEMBER 23, AND DECEMBER 30, 1902.

BOLIVIAN LEGATION IN PERU,

Lima, November 2, 1903.

MR. MINISTER: Under date of October 22 last, and under No. 28. his excellency Dr. Eliodoro Villazou, minister for foreign relations of Bolivia, writes me as follows:

MR. MINISTER: Confirming the telegram which I addressed to you, I have the pleasure to hand you a copy of the laws of the honorable National Congress, by which were approved the treaties of September 23 and December 30, 1902, celebrated with the republic of Peru:

"JOSÉ MANUEL PAUDO, constitutional president of the republic.

"Whereas the National Congress has sanctioned the following law, the National Congress decrees:

"The treaty celebrated between the republic of Bolivia and Peru on September 23, 1902, through Messrs. Eliodoro Villazou, minister of foreign affairs, and Felipe de Osma, envoy extraordinary and minister plenipotentiary of Peru, is hereby approved with the modification, which at the time of the interchange of ratifications must be set forth in the following terms: In the first article, instead of saying * * * 'as far as the snow field of Palomani,' it must say, 'as far as the point in which the present frontier line coincides with the River Suhez.'

"Let it be communicated to the executive for the constitutional purposes.

"Hall of the honorable National Congress, in session, La Paz, October 19, 1903. Anibal Capriles, Vencancio Jimenez, Demetrio F. Córdova, Faustino A. Quiroga, D. S., César Salinas, D. S.

"I therefore promulgate it, that it may be considered as a law of the Republic and obeyed as such. La Paz, October 22, 1903."

"JOSÉ MANUEL PAUDO, constitutional president of the republic.

"Whereas the National Congress has sanctioned the following law the National Congress decrees:

"SOLE ARTICLE. The arbitration treaty between Bolivia and Peru, respecting the demarcation of boundaries, celebrated in this city on December 30, 1902, between the minister for foreign relations of Bolivia, Dr. Eliodoro Villazou, and his excellency the envoy extraordinary and minister plenipotentiary of Peru in Bolivia, Dr. Felipe de Osma, is hereby approved with the alteration introduced in the approval of the treaty of September 23 of the same year, as regards the first clause.

"Let it be communicated to the executive for the constitutional purposes.

"Hall of the honorable National Congress, in session, La Paz, October 19, 1903. Anibal Capriles, Venencio Jimenez, Demetrio F. de Cordoba, Faustino A. Quiroga, D. S., Cesar Salinas, D. S.

"I therefore promulgate it, that it may be considered as a law of the republic and obeyed as such. La Paz, October 22, 1903.

"JOSÉ MANUEL PAUDO.

"ELIODORO VILLAZOU."

I repeat to you the assurances of my highest consideration.

To SEÑOR DON JOSÉ MANUEL BRAUN, envoy extraordinary and minister plenipotentiary of Bolivia in Lima.

I have the greatest pleasure in communicating to your excellency the foregoing note, and beg to repeat the assurances, etc.,

J. M. BRAUN.

To His Excellency SEÑOR DR. JOSÉ PARDO,

Minister for Foreign Relations of Peru.

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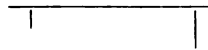
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